UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 10-CR-0019(RJD)

-against- : United States Courthouse
: Brooklyn, New York

ABID NASEER, : Thursday, February 19, 2015
: 9:30 a.m.

Defendant. :

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE RAYMOND J. DEARIE
UNITED STATES SENIOR DISTRICT JUDGE, AND A JURY.

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Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

(In open court.)

COURTROOM DEPUTY: All rise. The United States District Court for the Eastern District of New York is now in session. The Honorable Raymond J. Dearie is now presiding.

(Honorable Raymond J. Dearie takes the bench.)

COURTROOM DEPUTY: Calling criminal cause for jury trial in Docket No. 10-CR-0019, *United States of America against Abid Naseer*.

Counsel, please note your appearances for the record.

MS. AHMAD: For the United States of America, Assistant United States Attorney Zainab Ahmad, Celia Cohen, and Michael Canty.

Good morning, your Honor.

MR. NASEER: James E. Neuman, legal advisor for Abid Naseer.

Good morning, your Honor.

(Defendant enters the courtroom.)

THE COURT: All right. Before we get underway, a couple of preliminaries in the next four minutes.

A slight schedule change. For reasons unrelated to this case, I'm going to sit tomorrow and what we euphemistically refer to as a "half day." Meaning, we will work until 2:00 o'clock without lunch and then break for the day. All right? I have another matter that I simply have to attend to here in court. And so, I'm sorry to do that but we'll make good progress. We'll take an extra short break but we'll sit and conclude for the week at 2:00 p.m. tomorrow afternoon.

I have objections, rulings on objections to the depositions that were taken, which you should have later today. And that's all I've got to say for the moment.

Who is on the stand now?

MS. AHMAD: Your Honor, we were actually going to recall Detective Constable Murphy. The Government had one more exhibit to show him and the defendant, I understand, would like to cross-examine him about one of the documents we gave yesterday.

MR. NEUMAN: Actually, your Honor, just to clarify.

There's a document Mr. Naseer realized overnight that he believes that is this detective was the author of, I don't think it came out in discussion. But if he attempts to offer it into evidence through this witness.

THE COURT: Well, he's going to be on the stand so he can attempt to do that.

MR. NEUMAN: And, Judge, one other small matter.

I think that we need your permission for Mr. Naseer to take trial transcripts back to the MDC with him which he needs to do for obvious purposes.

THE COURT: He has my permission.

MR. NASEER: Okay. Thank you.

THE COURT: You need anything beyond that? Do you need anything beyond my simply saying he has my permission.

MR. NEUMAN: I think that's enough.

THE COURT: Okay. Very good.

MS. AHMAD: Your Honor, two other quick things.

Firstly, we were wondering if you were like to schedule oral argument on the Government's motion to admit the Bin-Laden documents.

THE COURT: I'd love to do that tomorrow afternoon. I think we can probably.

What time does the hearing start?

COURTROOM DEPUTY: 2:30.

THE COURT: I think we can do that at 2:00 o'clock tomorrow.

Okay.

MS. AHMAD: And the second thing is if we receive your Honor's rulings.

THE COURT: I want to make sure everyone is focused. At 2:00 tomorrow, after we break with the jury, we'll hear brief argument on the Government's proffer of the so-called Bin-Laden documents, okay?

All right. Go ahead.

MS. AHMAD: And then the final thing is if we receive your Honor's rulings on the objections regarding the deposition of Officer 1603 by lunchtime today, we do intend to play that deposition this afternoon.

THE COURT: Oh, I didn't realize we were that far along. Okay. You'll receive them by lunchtime today.

MS. AHMAD: Okay. Thank you, Judge.

THE COURT: Okay. So we're going to begin with Mr. Murphy.

MS. AHMAD: Yes.

THE COURT: All right of the where is Mr. Murphy.

(Witness takes the witness stand.)

STEPHEN G. MURPHY,

called as a witness, having been previously duly sworn, was examined and testified as follows:

THE COURT: Mr. Murphy, come on up.

COURTROOM DEPUTY: Jury is ready.

THE COURT: Bring them in.

(A brief pause in the proceedings was held.)

(Jury enters courtroom at 9:32 a.m.)

THE COURT: Good morning. Please be seated. All right. Before we resume, Mr. Murphy have a seat.

Before we resume the testimony of Constable Murphy, briefly, I promise you that I would keep you up to speed, up to date on any changes in the schedule, I have one.

Tomorrow afternoon we will conclude the day's work at 2:00 o'clock. We will work through lunch, what we call around here "a half day."

So we'll take two short breaks throughout the morning, conclude our work at 2:00 o'clock and send you on your way for the weekend. I take it there's no vehement objection to that. Okay. With that out of the way, we'll turn back to the Government and Mr. Murphy.

Please proceed.

MS. AHMAD: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. AHMAD:

(Continuing.)

Q Good morning, Constable Murphy.

A Good morning.

Q I would like to ask you just a couple of additional questions about the search you conducted in April 2009.

Can you remind us which of the bedrooms at 36 Galsworthy Avenue you found documents related to the defendant Abid Naseer?

A That was room nine, which was the first floor, front bedroom.

Q Room nine, first floor, front bedroom?

A That's correct, yes.

Q And did you search any suitcases that were located in there that we saw depicted in the defendant's exhibits?

A I did, yeah, there were a number of suitcases in that bedroom.

Q I'd like to show just the witness, your Honor, what has been marked as Government Exhibit 1002?

THE COURT: 1002?

MS. AHMAD: Yes.

THE COURT: All right.

COURTROOM DEPUTY: Is that being shown?

MS. AHMAD: Shown by the computer.

COURTROOM DEPUTY: By the computer, okay. Thank you.

EXAMINATION BY

MS. AHMAD:

(Continuing.)

Q And could we quickly scroll through the pages of Exhibit 1002.

Do you recognize this Mr. Murphy?

A Yes that's exhibit SGM-255.

Q Can you describe what it is for?

A I think I marked that down as a Pakistani passport in the name of Abid Naseer.

MS. AHMAD: Your Honor, the Government would move to admit Government Exhibit 1002.

THE COURT: Any objection?

MR. NASEER: No objection.

THE COURT: It is received. 1002 in evidence.

(Government's Exhibit 1002 was received in evidence as of this date.)

Q And, Mr. Murphy, I'd like to just ask you a couple of quick questions about that.

I'd like to direct your attention to Page 2 of that exhibit. Can you read the surname and given name provided on this passport for us?

A Yeah. The surname is Naseer and the first name is Abid.

Q What about the place of birth?

A Pakistan.

Q Can you read the city?

A Jamb Nasrullah.

Q I think that may be under father's name. The line above the.

A Is it Karak.

Q Yes, thank you.

And then directing your attention to Page 4 of that exhibit. I'm sorry, I need Page 4. Counting the first page of the -- there we go.

Can you look at the document depicted on the bottom half of the screen that starts with you visa student?

What is this document?

A It is U.K. clearance documents.

Q Is it for a particular type of visa? Does it indicate

it's for a particular type of visa?
A I think it indicates it's for a student.
Q And then, directing your attention to the top of that page, the stamp that says "Immigration Officer," and then has a 07, September of 2007.
What kind of stamp that?
A That's a stamp that you get when you come into the country through border control.
Q Which country?
A The U.K.
Q And then, going to the next page of that exhibit.
I'd like to direct your attention to the top half of the stamp that's upside down and triangular. I ask you to read upside down for us what that appears to be?
A That appears to be a stamp from Islamabad, Pakistan.
Q What is the date on that entry stamp?
A It appears to be 27th of September, 2008.
MS. AHMAD: Your Honor, I have no further questions for this witness.
THE COURT: Thank you. Mr. Naseer.
(A brief pause in the proceedings was held.)
CROSS-EXAMINATION
BY MR. NASEER:
Q Good morning, Mr. Murphy.
A Good morning.

Q Mr. Murphy, I would like to go -- can I show the witness -- and that's just for the witness the exhibit which is marked W?

THE COURT: Just for the witness.

COURTROOM DEPUTY: Certainly.

THE COURT: Marked as defendant's W for identification.

(The above-referred to exhibit was published to the witness.)

Q Mr. Murphy, can you see the exhibit marked as W on the screen?

A I can, yes.

Q Do you recognize this document?

A I've never seen this document before.

Q Does the heading of the document say, "Summary of 070810-1039," give you any indication of where that document was compiled?

A I think that might be an indication of some document that was completed on the night of the 8th 2010. But this isn't my document so I've never seen this before.

Q Now, looking at the document and the section where it says "File Name," on the end of the end table.

Does D173 give you any indication of where that document is from?

A No. That would be a document number on a system that

I've not been using through this investigation.

MR. NASEER: Can I show the witness the exhibit which is marked Y just for the witness, please.

(A brief pause in the proceedings was held.)

THE COURT: Any time, as I think you may have said, if you have trouble hearing, you find yourself strained here, let me know right away. Don't be shy about that.

EXAMINATION BY

MR. NASEER:

(Continuing.)

Q Mr. Murphy, can you see the exhibit which is marked Y on the screen?

A Y?

Q That would be Exhibit Y on the left-hand bottom corner?

THE COURT: Defense Exhibit Y for identification.

THE WITNESS: I'm sorry, yes, at the bottom, yes, I can see that. Thank you.

Q Move the page to the center of the screen.

Can you see the heading on the screen, "Exhibit Summary of Naseer Computer Evidence SGM," and the rest of the letters on the screen.

A Yes.

Q Do you recognize this document?

A No.

Q Have you ever seen this document before?

A No.
Q The document on the top of the exhibit it has your initials which are, if you can see, it says, "Summary of Naseer Computer Evidence, SGM."
MS. AHMAD: Objection.
THE WITNESS: That's correct.
THE COURT: I'll permit that. Go ahead.
Q So you have never compiled a document of such type?
A No. I solely seized the exhibits and this would have been produced by somebody else, I presume.
Q And you never conducted any analysis of the defendant's computer?
A Not at all.
MR. NASEER: I have no further questions, sir. Thank you.
THE COURT: Anything else?
MS. AHMAD: No, your Honor.
THE COURT: Thank you, sir. You're excused.
(Witness leaves the witness stand.)
THE COURT: Next witness please.
MS. AHMAD: Your Honor, the Government calls Simon Meats.
(Witness takes the witness stand.)
COURTROOM DEPUTY: Sir, please take the stand. Please raise your right hand.

SIMON MEATS, called by the Government, having been first duly sworn/affirmed, was examined and testified as follows:

THE WITNESS: I do.

COURTROOM DEPUTY: Thank you. Please have a seat. State and spell your name for the record.

THE WITNESS: My name is Simon Meats. S-i-m-o-n. M-e-a-t-s.

COURTROOM DEPUTY: Sir, pull your chair in and speak clearly into the microphone morning.

DIRECT EXAMINATION

BY MS. AHMAD:

Q Good morning.

A Good morning.

Q Can you tell us your rank, Mr. Meats?

A Police Constable.

Q And for whom do you work?

A Greater Manchester Police in the U.K.

THE COURT: Nobody had their Wheaties this morning all of a sudden.

Pull that microphone closer to you or pull yourself closer to it. There we go.

Q Tell us how long you've worked as a constable for the

Greater Manchester Police?
A 18 years.
Q And what unit of the Greater Manchester Police are you assigned to?
A The Specialist Firearms Unit.
Q And how long worked within that unit?
A 11 years.
Q Now, can I direct your attention to April 2009.
Were you working for the firearms unit at that point in time?
A Yes.
Q And speaking specifically about April 8th of 2009. Were you working that day?
A I was, yes.
Q And what were you assigned to do that day?
A I was assigned to attend an address in Cheetham Hill, to go to the address, and secure the address, and secure the occupants of that address.
Q Where is Cheetham Hill?
A North Manchester.
Q Do you remember the street of the address that you were assigned to go to?
A I wasn't told at the time. I was directed there by a colleague.
Q Did you, in fact, go to that address that day?

A I did, yes.
Q Do you remember the street that you went to?
A Galsworthy Avenue.
Q Okay.
MS. AHMAD: Your Honor, I'd like to show the witness what is in evidence as Government Exhibit 104.
Q Now, Constable Meats, does this resemble the address that you entered that day?
A Yes.
Q Can you tell us what happened when you arrived at that address on April 8th?
A Yes. The front door was forced; I made my way into the property. The property was in darkness at the time. I made my way up the stairs to the top of the stairs.
Q Okay.
And let me ask you. What did you see when you got to the top of the stairs?
A To my right, a door had opened and I saw the defendant there in the doorway.
Q So you recognized the individual that you saw standing in the doorway as being in this courtroom today?
A I do, yes.
Q Can you point him out and identify something that he is wearing?
A It's the gentleman to -- straight ahead of me wearing a

jade-colored top.

THE COURT: Wearing what?

THE WITNESS: Jade-colored top, shirt.

MS. AHMAD: Jade colored.

THE COURT: Anything about his facial features?

THE WITNESS: The beard.

THE COURT: Indicating Mr. Naseer. Okay, go ahead.

MS. AHMAD: Okay.

EXAMINATION BY
MS. AHMAD:
(Continuing.)

Q Now, I'd like to show you --

MS. AHMAD: And may I use the projector, Ms. Mulqueen.

Q And it's in evidence as Government Exhibit 105, I'm sorry, 195, and I'm showing you Page 2 of that exhibit.

Now, does this resemble the layout of the address on Galsworthy Avenue that you went to that day?

A Yes, it does.

Q And can you tell us exactly where you were when you saw the defendant in a doorway?

A Yes, I was at the top of the stairs and the defendant was in the doorway of bedroom eight.

Q And are these the stairs you are referring over here on the left side of the diagram?

A Yes.
Q This is the doorway to bedroom eight, that small opening that's the bedroom?
A That's correct.
Q All right.
What happened after you reached the top of the stairs and saw the defendant standing in the doorway?
A I asked him to show me his hands which he did. And I then asked him to get on the floor which he did immediately.
Q What did you do next?
A I entered the bedroom where I another male crouched down between two beds.
Q What happened after that?
A I then handcuffed the defendants to the rear and sat them up facing the window within the bedroom.
Q You said you handcuffed him to the rear? What does that mean?
A I placed the defendant in handcuffs securing so he can't make may escape or any attempt to hurt anybody. Placed him in the rear of his back. His hands were back to back.
Q So, by "the rear," you mean the rear behind him?
A That's correct, yes.
Q What happened after had handcuffed the defendant?
A I heard a telephone ringing in his pocket and I could see the light shining through his clothing and it was a mobile

phone.
Q What could you see the light of, the phone itself?
A Yes.
Q Can you describe the what clothing the defendant was wearing?
A Light-colored clothing and long pants, very baggy, and a light-colored top, V neck.
Q Was it Western clothing or clothing from a different part of the world?
A Clothing from a different part of the world. Generally, Pakistani clothing.
Q Okay.
And did you do anything when the defendant's phone was ringing?
A Not at that time, no.
Q What happened next?
A I moved the second subject from bedroom eight into bedroom six, and it was at that point that our team leader decided to evacuate the property.
Q When you say, "The second subject," do you mean the other individual who was in the room?
A I do, yes.
Q And why did your team leader evacuate the property at that point?
A He saw items within bedroom eight that he believed could

cause harm to ourselves and decided to evacuate the property.
Q What were the items he saw?
A They were dismantled mobile phones, Coke cans, and a bubble from a spirit level.
Q What happened -- when did you do when you evacuated the property?
A I took hold of the subject and took him out to the property.
Q And where did the defendant, where was the defendant taken to at that point?
A He was taken to a plain, unmarked, police vehicle and it was a van.
Q And did the van immediately depart Galsworthy Avenue or did it stay in place far for awhile?
A It stayed in place for, approximately, 15, 20 minutes.
Q And what happened after that?
A And whilst we were in the back and I heard the mobile phone ringing again in the defendant's pocket it continued to ring several times. I removed the mobile phone from his pocket and placed it on the van floor.
Q Okay.
And what did you eventually do with that mobile phone once you reached the police station?
A At the scene, it was handed over to one of the detectives at the scene.

Q And did you personally voucher it into evidence?
A I did, yes.
MS. AHMAD: Your Honor, I'd like to show the witness what's been marked as Government Exhibit 300.
If I could have the agent approach him with it.
(Approaching the witness.)
THE COURT: 300 previously received in evidence?
MS. AHMAD: It has not been, your Honor, no.
THE COURT: 300 for identification.
Q Do you recognize that, Mr. Meats?
A I do, yes.
Q What is it?
A It's the mobile phone I seized from the defendant.
Q And how do you recognize it?
A Small, black Nokia phone that I described in the statements.
Q Is your handwriting anywhere on that package?
A It says, yes, it's on the bottom of the page, first page.
Q And why did you fill out that form that's attached to the first page?
A I filled the form out so that it could be handed on to keep continuity with the investigation team. He then signed in front of me on the rear.
MS. AHMAD: Your Honor, the Government would move to admit Government Exhibit 300.

THE COURT: Any objection?

MR. NASEER: No, sir.

THE COURT: Received.

(Government's Exhibit 300 was received in evidence as of this date.)

Q And did you also take the defendant to the police station that day?

A No.

Q And after that day in April 8, 2009, did you have any further involvement in this investigation?

A No.

MS. AHMAD: Your Honor, I have no further questions.

THE COURT: All right. Thank you. Mr. Naseer.

MR. NASEER: Yes.

CROSS-EXAMINATION

BY MR. NASEER:

Q Good morning, Mr. Meats.

How long have you worked for the Greater Manchester Police?

A Sorry.

Q Can you hear me now?

A Yes.

Q How long have you worked for the Greater Manchester Police?

A 18 years.

Q And when did you make the arrest of the defendant?
A Sorry.
Q When did you made the arrest of the defendant?
A I didn't make the arrest. I detained the defendant until the investigation team got there.
Q And while detaining the defendant, was he compliant to your orders?
A Yes.
Q Was he calm and relaxed and following your orders that you gave him?
A Yes.
Q He was not aggressive or had any animosity towards you?
A No.
Q Now, you described some items that were seen by your colleagues or yourself in the room number eight and you had to evacuate the premises?
A Yes.
Q What happened to those items?
A Sorry. What happened to them?
Q Yes.
A I don't know what happened to them.
Q What were the nature of the items of any harmful -- the items that were seen at room eight, were they of any harmful nature?
A I don't believe so at that time. I didn't see. It was

my colleague that saw that and that's why he called the evacuation.

Q Just for the record, can you describe the items that you saw or your colleagues saw in room number eight?

MS. AHMAD: Objection.

THE COURT: You're asking him to describe an item that his colleague saw?

MR. NASEER: What he saw, sir.

THE COURT: You're asking this gentleman to describe an object he saw?

MR. NASEER: Yes, in room number eight.

MS. AHMAD: Withdrawn, your Honor.

THE COURT: Did you see anything in room eight?

THE WITNESS: I saw the bubble out of the spirit level placed on the side.

THE COURT: I'm sorry.

THE WITNESS: It's the bubble that's held within the spirit level.

THE COURT: It's not you, it's me. But now I understand. Thank you.

Q Mr. Meats, can you describe this item in raw terms what is a bubble coming out of a bottle?

A What I saw was a the glass bubble that remains within spirit level that you would level a certain item. You put it on top of the desk and you level. It's the glass bubble from

a spirit level that was on the desk.
Q Okay.
Now, you mentioned that when you detained the defendant his phone was ringing and you noticed it through his clothing?
A Yes.
Q Did you check the phone that was calling him?
A Not at the time here in the bedroom.
Q What about when the defendant was in the van?
A Yes.
Q And who was the person calling him?
A Rashir U.K. was displayed on the mobile phone.
Q Repeat that?
A Rashir U.K. was displayed on the mobile phone.
Q How to you spell that?
A R-a-s-h-i-r and U.K. at the end.
Q So that was the person calling the defendant. Did you attempted to call or was the call left to go into the voice mail?
A The call was left.
Q Now, have you analyzed the defendant's phone that you seized from the defendant?
A No.
Q And do you know what happened to the defendant after he was taken to the police station whether he was ever charged

with the crimes he was arrested for?
A No, I don't know what happened.
MR. NASEER: Thank you. I don't have any further questions.
THE COURT: Anything further of Mr. Meats?
MS. AHMAD: Just very briefly, your Honor.
REDIRECT EXAMINATION
BY MS. AHMAD:
Q What you're calling a spirit level is that also known just as a level?
A Yes, yeah.
Q And what kind of tool is it, used for what purpose?
A For leveling items such as a shelf. You could put it on a shelf to level a shelf.
Q So if you had a level and you put it on a shelf and the shelf was the not level as we see, how would you know that it wasn't level by looking at that item?
A The air bubble within the glass would drop to one side.
Q Okay.
So when you're saying that you saw a bubble that appears to be removed from a level, are you talking about that air bubble?
A Yes.
MS. AHMAD: Your Honor, I have no further questions.
THE COURT: Thank you for that clarification.

Thank you, Mr. Meats. You may step down.

THE WITNESS: Thank you.

(Witness leaves the witness stand.)

THE COURT: Next witness.

MS. COHEN: Your Honor, the Government calls Allan Murray.

(Witness takes the witness stand.)

COURTROOM DEPUTY: Good morning. Please take the stand. And raise your right hand.

ALLAN MURRAY, called by the Government, having been first duly sworn/affirmed, was examined and testified as follows:

THE WITNESS: I do.

COURTROOM DEPUTY: Thank you. Please have a seat.

State and spell your name for the record. I'm going to ask you to bring your chair in a little closer. Thank you.

THE WITNESS: My name is Allan Murray. Spelled A-l-l-a-n. M-u-r-r-a-y.

DIRECT EXAMINATION

BY MS. COHEN:

Q Good morning. Are you currently working?

A No, I'm a retired police officer.

Q And where did you used to be a police officer before you

retired?
A I was a police officer in the Lancashire Constabulary in England.
MS. COHEN: It would help probably if we spelled that.
THE COURT REPORTER: I got it.
MS. COHEN: You got it. Okay.
Q That's in England?
A That's correct.
Q Where, approximately?
A Approximately 60 miles from Manchester.
Q And how long were you a police officer there?
A 27 and a half years.
Q When you retired before you retire what was your title or your rank?
A I was a detective-sergeant within the Custody SOU counter terrorist unit for Lancashire.
Q In the Counter Terrorist Unit?
A Yes.
Q Now, turning your attention to April 8th of 2009. Were you working at that day?
A I was.
Q What were you assigned to do that day?
A I was ordered to go to Manchester to assist a authorized counter terrorist unit.

Q And, specifically, what were you asked to assist in?
A I was given the task of receiving prisoners in the custody suite.
Q And prior to that day, have you been involved in any kind of investigation related to that arrest?
A No.
Q Now, when you went you said you were involved in the arrest of the prisoners what, specifically, were you tasked to do?
A When prisoners were brought to the police station, my role was to conduct a search of the individual that arrived and then maintain the continuity of the exhibits and deal with any exhibits that were produced from that search and interviews.
Q Did you search a specific individual that day?
A I did, that's correct.
Q And who was that?
A It was Tariq Rehman.
Q Tariq Rehman?
A Yes.
Q Now, did you only search one individual that day?
A That's correct.
Q I'm going to show you, just for identification, on the computer.
I'm going to show you what has been marked for

identification as Government Exhibit 100. It should be there on your screen.

THE COURT: Do you see it on the screen?

COURTROOM DEPUTY: It's not on.

THE COURT: Is the screen on?

Some day in the future, you're going to here about a party that was conducted here in federal court on the occasion of the first day that this system operated flawlessly. Don't expect it any time soon. No good?

COURTROOM DEPUTY: I just got a light on.

THE COURT: Can you see to my screen.

THE WITNESS: I can see it on your screen.

THE COURT: Can you?

THE WITNESS: Yes.

THE COURT: Can you identify that?

THE WITNESS: It's kind of --

THE COURT: Mine just went off. Can you exhibit this in some other fashion?

MS. COHEN: Yes, we're looking for paper, your Honor, sorry.

THE COURT: Here it is. Can you see that, sir.

THE WITNESS: Yes, I can see on your screen.

THE COURT: All right. Go ahead.

MS. COHEN: Thank you, your Honor. Sorry about that.

EXAMINATION BY
MS. COHEN:
(Continuing.)
Q Mr. Murray, what is this exhibit?
A It's a USB computer pen drive.
Q How do you recognize it?
A I can recognize it from the color. It was the item I seized that day and I gave it an exhibit reference.
Q And it was the item you received from Tariq Rehman?
MR. NASEER: Objection.
THE COURT: I didn't hear your question. I heard --
MS. COHEN: Right. He said he search Tariq Rehman. I can rephrase.
Q Who did you recover this item?
A I recovered that from Tariq Rehman.
MS. COHEN: Your Honor, at this time, the Government offers Exhibit 100 into evidence.
THE COURT: And is there an objection?
MR. NASEER: Objection to relevance.
THE COURT: Side bar.
(Continued on the next page.)

(Side bar conference held on the record in the presence of the Court and counsel, out of the hearing of the jury.)

THE COURT: Who is this person --

MS. COHEN: Tariq Rehman is one of the defendant's co-conspirators and it's the Government's position that he took the reconnaissance photographs which were recovered on this thumb drive of the targets.

THE COURT: And how are you going to connect them to Mr. Naseer.

MS. COHEN: We will do that through some other witnesses. We will do that through surveillance witnesses. We will do that who saw them together. Who saw forensic computer experts as well.

THE COURT: Certainly relevant.

MR. NASEER: The thumb drive does not belong to the defendant and the picture that contains on the document or contained on the thumb drive does not belong to the defendant or stored or saved onto the USB. So I think it's irrelevant to use that as an exhibit.

THE COURT: I'm afraid I can't agree with you. Assuming they can connect the dots, as has just been represented to me, it certainly is relevant. And I think for the moment I have to receive it subject to connection.

MS. COHEN: Thank you, your Honor.

THE COURT: On that basis.

(Side bar discussion concludes.)

(Continued on the next page.)

(In open court.)

THE COURT: Okay. Government Exhibit 100 is received in evidence subject to connection.

(Government's Exhibit 100 was received in evidence as of this date.)

MS. COHEN: May we publish to the jury?

THE COURT: Go ahead.

(The above-referred to exhibit was published to the jury.)

EXAMINATION BY

MS. COHEN:

(Continuing.)

Q Now, I'm going to now show you just for identification what has been marked as Government Exhibit 101.

Mr. Murray can you see this on your screen now?

A Ying.

Q Great.

Do you recognize Government Exhibit 101?

A That was the phone that was seized from Tariq Rehman on the 8th of April.

Q And is that the phone that you seized?

A Yes.

MS. COHEN: And, your Honor, at this time, the Government offers Government Exhibit 101, again, subject to connection.

THE COURT: Same objection.

MR. NASEER: Objection to the relevance.

THE COURT: Okay. Objection is overruled. It's received subject to connection.

(Government's Exhibit 101 was received in evidence as of this date.)

THE COURT: 101 in evidence.

MS. COHEN: Can we publish this to the jury as well?

COURTROOM DEPUTY: Certainly.

MS. COHEN: Thank you.

EXAMINATION BY

MS. COHEN:

(Continuing.)

Q Mr. Murray, is this the phone that you described?

A That's correct.

Q Can we go to the second page. And what is this a photo of?

A That appears to be the same phone.

Q The back of it?

A Yes.

Q All right. I'm going to show you now --

MR. NEUMAN: Sorry, Ms. Mulqueen, I have to use the Elmo now.

COURTROOM DEPUTY: So you're using your laptop?

MS. COHEN: The Elmo.

COURTROOM DEPUTY: Okay.
MS. COHEN: Just for identification.
COURTROOM DEPUTY: Okay.
EXAMINATION BY
MS. COHEN:
(Continuing.)
Q This is Government Exhibit 175 and I'm also going to show you, Mr. Murray, Government Exhibit 176.
Do you recognize these two exhibits?
A Blank screen but I can see them on the other screen.
Q Okay. You could see them both?
A Yes.
Q Those two exhibits -- oh, sorry do you want? We can wait.
A All those exhibits that are items I seized from the defendant in the custody office in Manchester that day.
Q Sorry.
A All of those exhibits are items that I received from Tariq Rehman.
Q Tariq Rehman?
A Yes.
Q And okay.
MS. COHEN: Your Honor, at this time, the Government offers Exhibits 175. And 176, again, subject to connection.
THE COURT: And I assume there's an objection?

MR. NASEER: Yes, sir.

THE COURT: All right. Fair enough. Received them subject to connection.

(Government's Exhibits 175 and 176 were received in evidence as of this date.)

EXAMINATION BY

MS. COHEN:

(Continuing.)

Q Okay. I'm going to show the jury now Government Exhibit 175 and Government Exhibit 176.

And did you, Mr. Murray, did you compare based on your arrest who were those photographs of?

A These were photographs of the men that were arrested and brought to the custody office.

Q I'm going to show you again just for identification now Government Exhibit 12.

Can you see it on your screen?

A Yes, I can.

Q And do you recognize Government Exhibit 12.

A That's the man who is brought into custody Tariq Rehman!

MS. COHEN: And, your Honor, at this time, the Government offers Government Exhibit 12 into evidence.

THE COURT: Received subject to connection over objection.

(Government's Exhibit 12 was received in evidence as of this date.)

THE COURT: Go ahead.

MS. COHEN: Can we publish that to the jury, your Honor?

(The above-referred to exhibit was published to the jury.)

MS. COHEN: And the Government has no further questions.

THE COURT: All right. Mr. Naseer.

CROSS-EXAMINATION

BY MR. NASEER:

Q Good morning, Mr. Murray.

A Good morning.

Q Now, where did you arrest Tariq Rehman?

A I did not arrest Tariq Rehman. I received him in the custody office in the police station.

Q And which police station was?

A Pendleton Police Station in Manchester.

Q And the items that were shown to you just a few minutes ago, do they relate to the defendant?

A Yes, they do. They were seized from his belongings.

Q The defendant that is asking you the questions?

A No, not to my knowledge.

Q In any of the documents that you seized from Tariq Rehman, did you find any document that related to the

defendant?
A Not to my knowledge.
Q Now, you seized a phone from Mr. Rahman; is that correct?
A Correct.
Q Do you know what model of the phone it was?
A It was a Sony Ericsson.
Q Was it in his possession when he was brought into the police suite?
A That's correct.
Q Now, can you do any forensic analysis of the Tariq Rehman's phone?
A I personally did not. I was placed it in the exhibit bag and moved it further on the continuity, handing to over.
Q Do you know what happened to Mr. Rehman after he was brought into the police station whether or not he was ever charged or released?
A I don't.
Q And, as you said you were part of the operation where you were conducting, you were receiving prisoners at the police station; is that correct?
A That's correct.
Q You don't know how many people in total were arrested on that day on eighth of April 2009?
A 11 or 12, I can't recall exactly.
Q Do you know what happened to those 11 or 12 individuals

when they were arrested on April 8, 2009?

A I had no involvement in the case after the custody procedure.

MR. NASEER: Thank you, sir. No further questions.

THE COURT: Thank you. Anything further?

MS. COHEN: No, your Honor.

THE COURT: Thank you, sir. You may step down.

THE WITNESS: Thank you.

(Witness leaves the witness stand.)

THE COURT: Next witness.

MR. CANTY: The United States calls Zarein Admedzay.

THE COURT: Can I see counsel at side bar.

(Continued on the next page.)

(Side bar conference held on the record in the presence of the Court and counsel, out of the hearing of the jury.)

THE COURT: Is this essentially going to be more of the same, Zazi two?

MR. CANTY: Some of the testimony is similarly, your Honor, but they played distinct roles in carrying out --

THE COURT: I just want to move this along. I don't want to go through that whole saga again unnecessarily.

MR. CANTY: There are specific details.

THE COURT: Fine. I'm just making my --

MR. NASEER: Sir.

THE COURT: Can you wait? I'll give I all the time you want. I'll give you whatever you need but I don't want to repeat this whole thing.

Yes, sir.

MR. NASEER: Can I make a point on the 17th and 18th Mr. Zazi testified for the day and a half. I think he talked about his background which was totally irrelevant to the defendant and makes no sense to allow Zarein Ahmedzay to testify to the same thing that we all listened to for a day and a half. And I don't think he would come he testify to anything that is new. He has testified and looking at his testimony is totally similar to what Mr. Zazi testified. So I think it's irrelevant to the defendant and the Court is requesting to strike him for the reason that.

THE COURT: It would be a perfect world if I had more power to limit the prosecutor's proof but, first of all, it's been represented to me that there are aspects to this witness's testimony that are different from Mr. Zazi's.

Secondly, I have already expressed my semblance to the Government that I don't want an extended repetition of testimony we already heard before.

That said, if during the course of the examination you think you have specific objections, you voice them and I'll make my ruling.

MR. NASEER: Sir, the point is that he's going to testify about his background and activities of what he undertook in Pakistan and in New York which totally separates him from the defendant.

THE COURT: Yes and no. You have to understand the theory of the Government's case. I mean, the point is well taken, they don't say anything about you. That doesn't necessarily mean it's inconsistent with the Government's theory of proof.

Is he here? Let's get going.

MR. NEUMAN: One moment, your Honor.

THE COURT: Yes, sure.

(A brief pause in the proceedings was held.)

MR. NASEER: Sir, can I ask the Court to instruct the jury on the matter that the testimony of Mr. Zarein Admedzay is shown for the purpose of conspiracy, note to the defendant's membership in the conspiracy.

THE COURT: I'm not going to give that instruction because it's his testimony is what -- it speaks for itself, his testimony, and I don't necessarily agree that it would be a correct instruction to tell the jury.

It's proof, as I said to you during Mr. Zazi's testimony, of an existence of a conspiracy. It is not proof of your membership in it, period, end of discussion.

And in a way the Government play -- play to your favor. The more testimony that they elicit about other people having nothing to do with you may very well be consistent with the defense I understand you're trying to present to the jury.

So think about it whether you agree or not. I understand your point and I'm not going to preclude his testimony.

MR. NASEER: I think it's going to be valuable waste of the Court's and jury if he's allowed to testify for a long period of time.

THE COURT: Valuable waste of time? I have to remember that expression. Let's go.

(Side bar concludes.)

(Continued on the next page.)

(In open court.)

THE COURT: Swear the witness.

COURTROOM DEPUTY: Sir, raise your right hand.

ZAREIN AHMEDZAY, called by the Government, having been first duly sworn/affirmed, was examined and testified as follows:

THE WITNESS: Yes, I do.

COURTROOM DEPUTY: Thank you. Please have a seat. State and fell your name for the record and just move your chair in a little closer, please. Thank you.

THE WITNESS: My name is Zarein Admedzay. A-h-m-e-d-z-a-y. First name, Z-a-r-e-i-n.

THE COURT: All right, Mr. Canty.

MR. CANTY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. CANTY:

Q Good morning, Mr. Ahmedzay. Tell the jury how old you are?

A 30 years old.

Q Where were you born?

A I was born in Pakistan.

Q And where were you raised?

A I was raised in a Queens, Flushing.

Q And how old were you when you moved to Queens?
A About ten years old.
Q And prior to living in Queens where did you grow up from birth to ten years old?
A Can you repeat that, please.
Q Where did you live prior to moving to Queens when you were ten years old?
A I lived in Pakistan, sir.
Q Did you attend school in Queens?
A Yes, I did.
Q What was the highest level of education that you completed?
A I was a junior in college.
Q And where were you going to college?
A Queens College.
Q Can you tell the jury what specific course of study you were trying to obtain?
A I was studying biology.
Q You speak any languages other than English?
A Yes, I do.
Q What do you speak?
A I speak Pashto.
Q Is that your native language?
A Yes, it is.
Q Have you ever worked?

A Yes, I have, sir.
Q Tell the jury what types of jobs you had?
A I used to be a taxi driver in the city.
Q What religion are you?
A I'm a Muslim.
Q When you lived in New York, did you attend a particular mosque?
A Yes, I did.
Q Where is that located?
A It's located in Flushing.
Q What's the name of that mosque?
A Abu Bakr Mosque.
Q Are you currently incarcerated?
A Yes, I am, sir.
Q How long have you been incarcerated?
A Five years now.
Q Are you testifying here pursuant to a plea agreement?
A Yes, I am.
Q Had you been convicted of any crimes?
A Yes, I have, sir.
Q With respect to the crimes that you've been convicted of, did you -- were you convicted after trial or did you plead guilty?
A I pled guilty.
Q Please tell the jury what crimes you pled guilty to?

A Supporting terrorism; and to use weapons of mass destruction; and conspiracy to kill foreign nationals.
Q When you said you supported terrorism, what terrorist organization did you provide material support to?
A al-Qaeda.
Q Were you, in fact, guilty of the crimes for which you pled guilty?
A Yes, I was.
Q When did you commit those crimes?
A 2008, 2009.
Q Please tell the jury who you committed those crimes with?
A Adis Medunjanin, Najibullah Zazi, and the al-Qaeda members that I met.
Q Where did you meet the al-Qaeda members?
A Pakistan.
Q I'd like to show you Government Exhibit 2. Do you recognize this individual?
A Yes, I do.
Q Can I tell the jury who that is?
A That's Najibullah Zazi.
Q And Government Exhibit 4?
A That's Adis Medunjanin.
Q And were these the two individuals that you conspired with?
A Yes.

Q Along with other members of al-Qaeda?
A Correct, sir.
Q Briefly tell the jury when you met Mr. Zazi and Mr. Medunjanin?
A Around the time of high school.
Q And you all contained the same High School?
A Yes.
Q What High School was that?
A Flushing High School.
Q Are you aware whether or not Mr. Zazi had a job?
A Yes, I am aware of that.
Q What did he do?
A He used to have a coffee truck in the City.
Q What about Mr. Medunjanin?
A He used to be a doorman in the City.
Q Prior to 2006, can you just briefly describe to the jury what your political views were as it related to the practice of your religion?
A Didn't really have much political views but, you know, I I was aware of the wars in Afghanistan and everything but I really wasn't connecting to to my religion or that I had a duty or anything like that.
Q Prior to 2006, did you have a positive or negative view of the U.S. military action in Afghanistan and Iraq?
A I felt that the international community was helping to

rebuild Afghanistan. There was a lot of rebuilding/reconstruction so I had, for the most part, a positive view about it.
Q Now, in 2006, did you decide to learn more about the religion of Islam?
A Yes.
Q And what did you to do learn more about the religion?
A I began to study more. Read books read the Qur'an. I began to listen to lectures of different Imams and Sheikhs.
Q Now, with respect to the lectures that you listened to, who specifically did you listen lectures that were done by?
A Imam Anwar al-Awlaki and Sheikh Faisal.
Q Who was Imam al-Awlaki?
A He was an Imam back in 2006. Later on, he joined al-Qaeda. He was a member of al-Qaeda.
Q Did he speak English or did he speak a foreign language?
A He spoke English, sir.
Q And you referred to him as Imam. What does that mean?
A A religious leader.
Q Can you just describe to the jury what the substance of those lectures that you've listened to were about?
A There were different subjects on Islam. But also he spoke about political Islam. Basically, he said that there was a clash of civilizations. Islam was under attack by the West and that it was the duty of Muslims to respond and fight

and start their own holy war.

Q That term "holy war," was there a term they used to describe what the obligation of Muslims were?

A Yeah. He said it was a duty on Muslims to wage Jihad, basically. A holy war, a Jihad.

Q Now, did you listen to lectures by anything?

A Sheikh Faisal.

Q Who is Sheikh Faisal?

A He was an Imam from the U.K., also a religious leader.

Q Did he center dual citizenship, if you know?

A I believe he was from Jamaica.

Q And what were the substance of his lectures?

MR. NASEER: Objection.

THE COURT: Overruled. Generally, you can answer.

A They were also Islamic subjects. And Jihad, of course.

Q Now, after you listened to these lectures and recordings, did you have discussions with your two -- the two individuals that you identified before about what your obligations were?

A Yes, I had conversations with them.

Q And what was the substance of those conversations?

A Basically, that it was as Muslims we needed to respond to the call of Jihad and fight.

Q And along with watching the lectures and listening to the lectures, did you watch any videos?

A Yes.

Q What types of videos did you watch?
A Mostly videos of al-Qaeda operations both in Iraq and Afghanistan. Attacks on U.S. bases, Humvees, suicide attacks that sort of thing.
Q With respect to those videos, do you have a positive views of those videos or actions that al-Qaeda was taking against U.S. forces?
A Yes, I did have a positive view then.
Q Who made those videos?
A They were made by mostly by As-Sahab Media.
Q Now, with respect to the organization, the terrorist group al-Qaeda, what did you understand al-Qaeda's objective was globally?
A Their objective was to basically set up a caliphate, an Islamic government. And overthrow most of the Muslim governments and, you know, do it by fighting.
Q Now, after you watched the videos, did you and your two friends from New York, did you come to an agreement as to what your obligations were?
A Yes, we did.
Q What did you decide?
A We basically made a pact we called a covenant and it was an oath before Allah that we would give our life and our wealth for his sake in fighting his cause. And we said, you know, to kill and be killed for the promise of paradise that

was the pact that we made.
Q What did you decide to do other than making this oath with one another, did you decide to any action to put that oath in action?
A Yes.
Q What did you did you decide?
A We decided that we would go to travel to Afghanistan and join the Taliban.
Q Now, when you said you made an oath before Allah, was this a formal meeting that the three of you had?
A We basically made a, like, a promise, an agreement, that we're going to do this. I don't know what you mean by formal?
Q When you say you made an oath before this was -- Allah meaning God, you made an oath to God that you would give your lives?
A Correct.
Q In pursuant of this goal?
A Correct, sir.
Q Now, when you decided to put it in action where did the three of you decide you were going to go?
A We decide we were going to travel to Afghanistan and join the Taliban there.
Q And what do you know the role of the Taliban over in Afghanistan was?
A They were trying -- they were the fighting Afghan

government and establish their own Islamic government.
Q So what was the difference between the Taliban and al-Qaeda as far as their objectives?
A They both claim to be fighting Jihad but al-Qaeda was more global they had a global agenda, global goal.
MR. NASEER: Objection.
THE COURT: Overruled. Go ahead.
Q And what was the Taliban's goal?
A Their goal was based in, specifically, only in Afghanistan.
Q Now, what was your understanding of what would happen to you when you went over to join the Taliban?
A My goal was to fight and defeat the Coalition Forces or overthrow the Government or die doing that. And we basically called to victory or shahada fight 'till the end.
Q You had an understanding with your friends that you were going to go attack U.S. military forces in Afghanistan?
A Yes.
Q Now, when you say, "Victory or shahada," can you describe what that term, that second term, is?
A Shahada means martyrdom.
Q To give your life for the cause?
A Yes, to die in the cause.
Q Now, after you had decided, did the three of you actually purchase tickets to fly over to Afghanistan?

A Yes.
Q Can you just describe briefly to the jury how you went about planning to get from New York to Afghanistan?
A We bought roundtrip tickets from Newark Airport to Peshawar.
Q And what was your objective when you got there? Were you going to stay in Pakistan, or were you going to go try join the Taliban?
A No, we were not going to stay in Peshawar. We were going to travel to Afghanistan.
Q Now, did you tell anybody in New York about your plans to go over and join the Taliban to fight against U.S. forces in Afghanistan?
A I believe there was one person.
Q Everybody else, what did you do with everybody else? Did you make up a story?
A Yes.
Q What was the cover story the three of you came up with?
A Cover story was that, you know, I was traveling to Afghanistan to see my family. Najibullah Zazi was doing the same thing. And Adis was traveling to Pakistan to get married to a cousin of Najibullah.
Q Now, with respect to your ability to travel, the three of your ability to travel from the United States to Pakistan, what was your status in the United States at the time you

left?
A I was a U.S. citizen, sir.
Q So you were able to freely travel to Pakistan and back?
A Yes.
MR. NASEER: Objection.
THE COURT: Overruled.
Q What about your two co-conspirators from New York, were they able to travel back and forth fully on a U.S. passport?
A Yes.
Q Now, who purchased the tickets for the trip?
A Najibullah Zazi.
Q And do you know how he paid for the tickets?
A He bought them with his credit card.
Q Now, when you bought tickets, did you buy roundtrip pictures tickets, or did you buy one-way tickets?
A They were roundtrip tickets.
Q Why did you buy roundtrip tickets if you had no intention of returning to the United States?
A We didn't want any suspicion on the part of law enforcement.
Q When what airport did you fly out of to go to Pakistan?
A Newark Airport, New Jersey.
Q And did the three of you were you all on the same flight?
A Yes.
Q When you were trying to get onto the plane in Newark, did

you have any interaction with law enforcement?
A Yes, we did, sir.
Q Can you tell the jury what happened when you were stopped at the airport?
A They asked us a few questions.
MR. NASEER: Objection.
THE COURT: Overruled.
A Where we were traveling, we gave them the cover story that we made up and they let us go.
Q And what was the cover story that you had made up?
A The cover story was that we were basically traveling to see our families. Adis was going to get married.
Q And who was Adis going to going to married, what was the cover story?
THE COURT: We just had this. Let's move along.
MR. CANTY: Yes, your Honor.
Q Now, were you able to successfully fly to Pakistan?
A Yes.
Q What happened when you first got to Pakistan, where did you go?
A We spent a few days in Najibullah Zazi's uncle's home.
Q And what town was that?
A That was Peshawar.
Q Mr. Ahmedzay, do you recognize what's been marked as Government Exhibit 801?

A Yes.

MR. CANTY: May I publish that to the jury, your Honor.

THE COURT: Yes. Go ahead, it's in evidence.

COURTROOM DEPUTY: Yes.

(The above-referred to exhibit was published to the jury.)

Q Do you see Peshawar on that map?

A Yes, I do.

Q Can you just circle that for us?

A (Pointing) Right there.

Q What was your plan after arriving in Peshawar?

A My plan was to go across the border into Afghanistan and go to my home in Paktia Province and I'll do this along with Adis. And from there, I would go to a nearby town from where I lived in contact the Taliban and join them and then get the other two to join with me after that.

Q Did you and Adis Medunjanin attempt to travel from Peshawar to your home in Afghanistan to join the Taliban?

A Yes.

Q Tell the jury what happened when you tried to cross over into Afghanistan?

A We were traveling in a taxi and we got stopped at a checkpoint. The police officer asked me some questions, I answered him and then he asked Adis some questions. Adis couldn't answer, he didn't speak Pashto. He asked him to step out and he showed him his -- Adis showed the police officer his passport, his American -- and then the police officer basically accused him of being an American spy. And he said that I was his interpreter, his translator. So he took us, he said he's going to have to take to us a police chief for further questioning.

Q And what happened when you were being taken to the police station?

A On the way to the police station, I spoke to -- I start speaking to some of the police officers and I told him that, you know, I was not an interpreter, nor was he a spy. And so, Adis started to recite so Qur'an and they realized that he was wasn't really, you know, a kafir or disbeliever.

So they say, oh, he's Muslim, you guys are good. Just let him know so I told him, excuse me, before that I told him that, you know, can you tell the police chief, you know, same thing so we can get out of the situation.

So he said just let him know, let the police chief know that you were just touring the area. So I did do that when we got up to the police chief.

Q So you when you met police chief, you lied about what your intentions were and you were let go?

A Yes.

Q Where did you and Mr. Medunjanin go at that point?

A We went back to the Najibullah Zazi's home.
Q Now, the following day, did there come a time when you went to a mosque?
A Yes.
Q When you went to the mosque, did you meet with anyone?
A Yes.
Q Who did you meet with?
A I met with a Sheikh, a religious leader.
Q And did you have a discussion with the Sheikh?
A Yes.
Q What was the discussion about?
A The discussion was that I was interested in joining the Mujahideen or the Taliban, specifically. He said that's very easy for him to do.
MR. NASEER: Objection.
THE COURT: Overruled.
Q Continue, please.
A He said he wouldn't have a problem doing that and he contacted two of his men one of them showed up about two you half an hour later.
Q Let's talk about that meeting.
You met with an individual that the Sheikh had referred you to?
A Yes.
Q And was that in the mosque?

A Yes, it was.
Q Tell the jury about what happened at that meeting?
A The person, the individual, was a Pashtun. He told us that, excuse me, we told him that, you know, we wanted to join the Mujahideen or the Taliban in Afghanistan.
He said it was very easy for him to do that. He told us that he had experience taking other people he gave us an example of John Walker Lindh. He said he personally took him across to join the Taliban in Afghanistan.
Q And were you encourage the by this news?
A Yes.
Q Now, did that individual tell you that he would come back and take you over to Afghanistan?
A Yes, he did.
Q Okay.
In the interm, did the Sheikh refer anybody else to you?
A He did contact two men but it wasn't in that first meeting.
Q Okay. So what happened next?
A The next day, another man by the name of Ahmed, also a Pashtun. He also went by the name Zahid. He showed up and he told us that he belonged to a different group than the other person. He said other person was based in Pakistan, Taliban, living in Pakistan. He said his group is more -- they're more

of a worldwide agenda. There's people from different places. People from all over the world and they're very educated -- doctors, engineers, all kinds.

He also told us that you basically take us to the center of the Mujahideen; that they would train us, feed us, shelter us, arm us, and then send us out to the fight in Afghanistan.

Q And with respect to the pitch to join the second group, did they knock the Taliban at all or tell you about some of the?

MR. NASEER: Objection to leading.

THE COURT: I can't rule on it until the question -- I've heard the whole question.

MR. CANTY: I'll rephrase question, your Honor.

Q With respect to this group that this individual wanted you to join, did the pitch include the benefits of joining this group as opposed to joining the Taliban?

A Yes. He said his group was better and they were, basically, it was like the center of the Mujahideen. You want to go join the Mujahideen, the fighters, I can do that for you basically.

Q When this individual told this Ahmed or Zahid told you about his group being a global group what did you understand at that point the grouch to be?

A I believe that he was talking about al-Qaeda.

Q Did there come a time when you agreed with Zahid that you would join his group?
A Yes.
Q Okay. Tell the jury what happened when you made that decision?
A In that first agreement we told him that, you know, we agreed with him to travel. He said he would take to us a training camp and after that we would go into the night in Afghanistan. So he said he would show up the income day and pick us up.
Q So what happened the next day when he picked you up?
A He took us through the tribal areas into Waziristan.
Q And do you see that on the map here?
A Yes.
Q Can you just circle that, the area in Waziristan?
A (Circling).
Q So he took you to North Waziristan?
A Yes, that's correct.
Q Was Zahid alone when he picked you up or was he with anybody else?
A Zahid had another man with him by the name of Ali.
Q Tell us about your where they took you on the first time they took you?
A We made couple of stops on the way but eventually he took us to a guest house in Miramshah in Waziristan.

Q And did Ali go with you on that trip as well?
A Yes.
Q Can you describe Ali to the jury?
A He was a Pashtun in his 20s. He was thin, average height, you know average height, average weight he spoke Pashto.
Q Tell us what happened when you arrived that first night?
A We got there during the day, sir, to the guest house.
Q Okay.
And what happened when you got to the -- the first day you got to the guest house.
A He said that, excuse me, that Zahid told us he would meet, you know, a couple members of the leaders, Mujahideen leaders. And we -- in our guest house two men showed up. One of them went by the name Adbul Hafeez. Abdul Hafeez was a tall, thin black man. He had light facial hair, wore light clothes. He was referred to by the other man as "Sheikh."
Q And with respect to --
MR. CANTY: One moment, your Honor.
Q When you he -- I would like you to take a look at what's been marked as Government Exhibit 18 for identification.
MR. CANTY: May I have this shown just to the witness?
COURTROOM DEPUTY: Certainly.
(Showing to the witness.)

COURTROOM DEPUTY: Are you using the document camera.

MR. CANTY: The computer is fine.

COURTROOM DEPUTY: I have to switch so you have to let me know which mechanism you're using. Thank you.

MR. CANTY: My apologies.

EXAMINATION BY

MR. CANTY:

(Continuing.)

Q Mr. Ahmedzay, do you recognize the individual depicted in Government Exhibit 18?

A Yes.

Q Who is that?

A That was the other man who came to the guest house. He referred to himself as Ibrahim and he had an AK-47 with him and a handgun and he introduced himself in Pashto.

Q Does this picture fairly and accurately depict that individual that you met that day that identified am himself as Ibrahim?

A Yes.

MR. CANTY: Your Honor, I asked what's been marked as Government Exhibit 18 for identification be moved into evidence.

THE COURT: Is there an objection?

MR. NASEER: Objection to relevance.

THE COURT: Objection is overruled. 18 now in evidence.

(Government's Exhibit 18 was received in evidence as of this date.)

EXAMINATION BY

MR. CANTY:

(Continuing.)

Q Now, when you meet these two individuals, Abdul Hafeez and Ibrahim, can you describe the clothing that Abdul Hafeez was wearing?

A Abdul Hafeez was wearing white clothing, like, white garb shalwar kameez.

Q And how did Ibrahim refer to Abdul Hafeez?

A As a Sheikh.

Q And when you use that term, "Sheikh," what did that mean to you?

A To me, it meant that he was a leader, also a religious leader. But he could be a leader in general, also.

Q With respect to the two individuals, who did you consider it be the higher ranking of the two?

A I felt that Abdul Hafeez was higher ranking, he was a senior.

Q Why was that?

A Just the way Ibrahim spoke to him, referred to him as a Sheikh. He led the prayers and he was dressed in a very clean

white clothes. It looked like he wasn't the type of guy who got his hands dirty.
Q He appeared to be a leader?
A The one who basically gives the orders.
Q Now, when you met with Abdul Hafeez, did he make any comments or have any conversations with you, Mr. Medunjanin and Mr. Zazi with respect to your nationalities?
A Yes.
Q With respect to you and Mr. Zazi you were both Pashtun?
A Correct, sir.
Q What did he say about Mr. Medunjanin?
A Mr. Medunjanin, he was European, and he told him that he looked like Adam Gadahn.
Q And who is Adam Gadahn?
A Adam Gadahn was a member of al-Qaeda. He was involved in the media.
Q Is he considered him an important member of al-Qaeda in criminal history category media either videos or images on behalf of al-Qaeda?
A Correct.
Q Now, with respect to and where is Adam Gadahn from?
A He's from the United States.
Q Now, with respect to your meeting, did Abdul Hafeez or Ibrahim talk to you about security procedures on how you were supposed to identify yourselves?

A Yes.
Q What did they tell you?
A They told me not to give my real name, my identification, where I was from and to choose different names for myself and also different location.
Q Okay. And with respect to that prior to arriving to meet with Abdul Hafeez and Ibrahim, did Zahid have a conversation with the three of you regarding picking out new names and using different names?
A Yes, he did.
Q What names did you decide to use?
A I chose to go by the name Omar; Zazi went by the name Saleh Hudein; and Adis Medunjanin he went by the name Mohammed.
Q Now, with respect to Zahid, were you sure of whether that was his real name or just the name he told you to call him?
A Yeah, I wasn't sure if it was his real name. He told him call him by his name.
Q Did you know him by another name?
A Ahmed.
Q When you went to the camp, did he tell you to stop referring to him as Ahmed and only refer to him as Zahid in front of other passengers?
A To the camp.
Q During your training?

A Travels. During the travels, he told us basically to refer to him as Zahid from that point on.
Q Now, when you met with Abdul Hafeez and Ibrahim did they present you with a proposal?
A Yes, they did.
Q What was that?
A They told us that they wanted us to do a glorious act and travel back to the United States and carry out an attack there.
Q Was this the first time that a proposal had been made to you to come back to the United States and carry out an attack here?
A Yes, it was.
Q And, incidentally, what languages did Ibrahim and Abdul Hafeez speak?
A They greeted us in Pashto. But after that point they spoke in English.
Q With respect to Ibrahim and Abdul Hafeez, were they armed when you met with them?
A Yes, they were.
Q What type of weapons did they have on them?
A They both had an AK-47. Ibrahim also had a handgun.
Q When they first made this proposal to you, to come back to the United States and carry out an attack here what was your initial reaction?

A Our reaction was that we came here to fight in Afghanistan, to fight the Coalition Forces and to fight the Afghan government. It wasn't our intention to go back and we didn't want to go back.
Q Did not want to go back to the United States?
A We didn't want did go back did the United States.
Q What was your response when you told them that?
A They told us many different things. One of the things they said was that our numbers, you know, really not going to add to the numbers of the fighters they have. They said they had thousands of fighters and also gave us a precedent from the story of the Prophet Mohammed.
Q Can you move closer to the microphone, I'm having trouble hearing you?
A Yes. They gave us a story from the Prophet Mohammed from his time. And they told us that he was attacked by an army and a man came to the Prophet and asked him that he wanted to join his side. The Prophet told him go back to the opposing army and see if you could do something there. And the man succeeded in helping defeat the group, the army.
So he said, you know, follow the example of the prophet and go back and do something you will be more useful to the Mujahideen.
Q Did they expand on that what use you would be to them on their side fighting in Afghanistan as opposed to you going

back to the United States and carrying out an attack?
A Yeah, they said the fighters here are much more -- they are better trained to fight in the mountains of Afghanistan. They have many fighters and they got, you know, dozens of fighters coming in every day.

So, you know, do something out there. You would have a bigger effect. You want to defeat the Coalition Forces in Afghanistan, this is the best way to do it.
Q And why in particular did they believe the three of you were in the best position to come back to the United States and carry out the attack?
A We had the documents to travel back.
Q To the United States?
A Yes.
Q Now, did you agree to do that at that point?
A No.
Q Now, how long did you stay at that first get house?
A About four or five days.
Q And when you left that guest house, where did you go?
A We went to a shop in Miramshah.
Q And did there come a time where stayed at hole in Miramshah?
A Yes, the shopkeeper took us. We told him our story, he said he was okay with that. So he took us to a hotel and we spent the night there.

Q And after spending the fight at the hotel, did you meet up again with Abdul Hafeez and Ibrahim?
A Yes.
Q What happened at that meeting?
A Meeting meet they said they were ready to take us to the training camp. They said give them a few hours, they'll come back and pick us up.
Q Now, when did you leave to travel from the United States to Pakistan?
A It was in summer, about August 2008.
Q And how long were you in Pakistan before you attempted to make that first trip to Afghanistan?
A About a week.
Q And then how long after that did you meet up with Abdul Hafeez and Ibrahim?
A It was about a week, little more than a week.
Q Okay.
So after being in the Pakistan for a number of weeks, did there come a time where -- well, let me ask you this.
When you met up with Abdul Hafeez after staying at the hotel, did you guys complain with the lodging conditions that you were living in?
A Yes, we did.
MR. NASEER: Objection.

THE COURT: What's the relevance to this.
Q What did Abdul Hafeez tell you when you complained?
A He said that you shouldn't be complaining, you know, that we're lucky we're not sleeping in the fields like other Mujahideen.
THE COURT: Let's move to along, Mr. Canty.
MR. CANTY: Yes, your Honor.
Q Did there come a time where you were taken to a training compound to begin your formal training?
A Yes.
Q Now, can you describe that compound to the jury, please?
A The compound was a mud house. It had about two rooms and it had a rectangular wall made of mud around it and it had a courtyard, also.
Q And who were you met by when you arrived at that training compound?
A There were three trainers there.
Q Who were they?
A One of them went by the name Yousef, he was a black man. Another man was Middle Eastern looking. And the third man seemed to look like a person from Southeast Asia.
Q Who was the lead trainer carrying out your training day in and day out?
A Yousef was the lead trainer.
Q And when you did your training where was the majority of

your training conduct?
A In that compound.
Q Who was in the compound when you were being trained other than you, your two friends from New York, and the trainers?
A Another man showed up also later on.
Q Okay. Who was that?
A He went by the name Hamad. He was an Arab. Average height, average weight. He had a beard and long hair.
MR. CANTY: May I have Government Exhibit 17, please.
Q I would like you to take a look at what's in evidence as Government Exhibit 17. Do you recognize that photo?
A Yes, I do.
Q Who is that?
A That's Hamad, sir.
Q And what was his role at the training compound?
A His role was when he came in to set up the schedule of the compound. Different trainings and things of that nature.
Q Now, did Hamad tell you what group did he belong to?
A Yes.
Q What group did he say he belonged to?
A He belonged to al-Qaeda, sir.
Q And, during your training, did you engage in any physical training at the compound?
A Yes.

Q What type of physical training did you get?
A I got some physical training of weights and basic calisthenics.
Q And besides physical training, did you receive any mental training for the mission that they wanted to send you on?
A Yes.
Q Now, incidentally, at this point, had the three of you decided whether or not you were going to agree with the proposal of Abdul Hafeez and Ibrahim in going back to the United States to carry out an attack?
A No. At this point, we had not agreed yet.
Q Can you please describe to the jury your daily schedule at the compound or that house that training house?
A Daily schedule began predawn. We got up predawn and made our prayers. Then we had a Qu'ranic session and later in the day we had a weapons course. Then, in the afternoon, we had another weapons course. And the day ended by us physical training and then the day ended by us preparing our meals and eating.
Q Now, with respect to Hamad, Government Exhibit 17, did he ever interview you privately?
A Yes, he did.
Q Can you tell the jury what happened during that interview?
A At that meeting, he asked me questions about myself where

I was from. And also he asked about specifically about the different -- he was interested in targeting different places in the United States.
Q And what did he ask you specifically about information you had about targets?
A Well, I told him that I was a taxi driver and I knew a lot about the City. He asked me if I knew any places that would be any crowded place that would have economic damages, also if there was an attack carried out.
Q What were the main goals according to Hamad when deciding on what to pick as a target?
A He stated one of the goals was having an attack, having mass casualties, and then having economic damage, also.
Q Now, during your conversation with Hamad, did you tell him about some proposals you thought would be effective targets in New York?
A Yes, I did.
Q What did you tell him?
A I told him about Times square, Grand Central, the Stock Exchange and the subways, also.
Q What did he think about the proposals you had made?
A He didn't object to any of them.
Q Now, did there come a time when you received formal weapons training?
A Yes.

Q Where would that occur would that occur at the compound or would you go somewhere else for that?
A We went outside the compound.
Q And who taught the weapons training course?
A It was Yousef.
Q And who taught you in the classroom when you did religious study?
A Yousef and Hamad, also, who did a little bit of it.
Q Now, with respect to Hamad during your mental training, did Hamad show you any videos?
A Yes, he did.
Q What types of videos did Hamad show you?
A Hamad showed us al-Qaeda videos. There were different attacks on U.S. bases. A lot of them were suicide missions. One of them was a suicide mission, suicide attack, on a Danish embassy in Pakistan. The other one was the London bombings and also the 9/11 attacks.
Q What was the purpose of these videos?
A He told us that, you know, these are glorious acts, you know, these people carried them out they were members of al-Qaeda and, you know, he wanted us to do the same thing.

(A brief pause in the proceedings was held.)

MR. CANTY: May I have this shown only to the witness this is Government Exhibit 803 for identification.

COURTROOM DEPUTY: Back on the document camera.

MR. CANTY: May I use document camera?

COURTROOM DEPUTY: Okay.

EXAMINATION BY

MR. CANTY:

(Continuing.)

Q Mr. Ahmedzay, I would like to show you what's been marked as Government Exhibit 803 for identification. Do you recognize that?

A I don't see it.

Q Do you recognize that CD?

A Yes.

Q And is this a CD of a video that was shown to you regarding the London attacks and attacks on the United States on 9/11?

A Yes.

Q After watching this video did you have the opportunity to present your place your initials on that disk?

A Yes.

Q Is this disk a fair and accurate copy of the video that was shown to you by Hamad while you were training in Pakistan?

A I don't see a picture over here.

Q From previous?

A Yes.

Q From previously viewing it and putting your initials on it?

A Yes, I do.
Q You watched this disk and it contains a fair and accurate copy of that video?
A Correct, sir.
MR. CANTY: Your Honor, I ask what's been marked as Government Exhibit 803 for identification be moved into evidence.
THE COURT: Any objection?
MR. NASEER: Objection and side bar, sir.
THE COURT: Objection is overruled. I'll take up the discussion at the break.
Go ahead.
MR. CANTY: Your Honor, may I play Government Exhibit 803 for the jury?
THE COURT: Let me speak to you at side bar, please. Before you do that.
(Continued on the next page.)

(Side bar conference held on the record in the presence of the Court and counsel, out of the hearing of the jury.)

THE COURT: Is this the part that's peculiar to this witness?

MR. CANTY: This is a video. There's been no testimony. There was brief testimony about videos but nothing specific. This witness watched this video, was instructed to watch this video by leadership that we believe had the defendant had a connection to talks about carrying out attacks in the west.

THE COURT: I get the point. How long is it?

MR. CANTY: It's long. But, Judge, I'm not going to show the well video the video is whole we have an hour. I'm going to show brief clips. I'm certainly waste the jury's time. There are pertinent clips a minute or two minutes, one that goes about three minutes.

THE COURT: These are somebody speaking?

MR. CANTY: These are propaganda videos that were created by al-Qaeda regarding --

THE COURT: Is it speaking.

MR. CANTY: Yes, they're speaking. And there are subtitles in English as well.

MR. NASEER: Sir, first of all, there's no evidence of the defendant use. And the Government doesn't have to show the videos, they can have the witness testify to the video. And there's no relevance and the prejudice outweighs the relevance here, I mean, I don't see the point.

THE COURT: It's a terrorism trial, it's allegations of terrorism, the whole thing is inherently prejudicial as is most proof. But I can't rule on it without seeing it first.

Did you give Mr. Naseer a fair shake at this. He's making essentially a §403 objection and I got to see it first.

MR. CANTY: Okay.

THE COURT: So let's move on and I'll look at it at the break, how long would it take me to look at the sections.

MR. CANTY: I can play the relevant portions that I would like to play for the Court in about 10 or 15 minutes.

THE COURT: Okay.

MR. CANTY: Or if you want to watch a few minutes, you will get the gist of what the Government intends to prove if I show two or three minutes of the clip.

THE COURT: We'll look at some of it.

MR. NASEER: I want to see the whole video first.

MR. CANTY: There's there is one additional video as well. One additional video.

THE COURT: Hold on one second. I'm getting the signals from the boss that it's time for a break. So we'll take other break first.

Don't discuss the case.

COURTROOM DEPUTY: All rise.

(Jury exits courtroom at 11:02 a.m.)

THE COURT: Somebody must have been signalling her that they needed to use the facilities.

Rack it up, let me have a look at it.

MR. CANTY: Yes, Judge.

(Side bar discussion concludes.)

(Continued on the next page.)

(In open court.)

(Witness leaves the witness stand.)

(Jury exits courtroom at 11:02 a.m.)

THE COURT: Let me see it.

(Video file played in open court.)

(Video file concludes.)

MR. CANTY: Judge, if I could have a moment. I want to make sure I'm pulling up the right information for you.

MS. AHMAD: Your Honor, we have three videos in total that we would like to introduce that were all shown to the New York plotters by al-Qaeda during their training.

Would you like us to play for you the portions we intend to play for the jury or just a representative portion? We intend to introduce the whole video.

THE COURT: Well, you know, for the time being, I can't introduce the whole video or accept it in the face of an objection by Mr. Naseer until I've seen the whole video.

If, for the moment, you are seeking to introduce those portions that you want to play, that's a different story. Then I can at my relevant leisure look at the entire video and rule on whether it is in its entirety admissible. But I can't admit it in its entirety in the face of that objection until I've had a chance do review it.

MS. AHMAD: We're happy to do that, your Honor. We'll play you portions that we're intending to play for the jury and seek right now to admit those.

I will note that the defendant has had the videos for same time and they have been marked as Government Exhibits since the beginning of trial.

MR. CANTY: Your Honor, I've pulled up the relevant portions that I intend to play with this witness.

This is 104. At minute 1:04. This is Government Exhibit 804.

MR. NASEER: Excuse me, sir, just for the record, I have not received the CDs, the Bates that were mentioned, and I haven't viewed the video so I've never received the CD and I've never seen the videos.

THE COURT: I don't understand the --

MS. AHMAD: They were turned over to the defendant in discovery, your Honor. But we're happy to play the relevant portions and now deal with the entire video later.

THE COURT: And you haven't seen them and you're objecting to them?

MR. NASEER: I have never received them in the CD form where. I can view them.

THE COURT: Was he given CDs.

MS. AHMAD: Yes, your Honor.

MR. NASEER: The Government could direct me to the Bates number and the letter they sent with the CD so I can inform the Court that I received them but, to the best of my knowledge, I have not received the videos.

THE COURT: Okay. I'm sure the Government is about to do that. But can we get through this, please, I'm not middle of a trial.

(Video file played in open court.)

(Video file concludes.)

THE COURT: Was it all in the nature of this propaganda?

MR. CANTY: I will play 30 seconds more and martyrdom video of the London bomber at the end of it I will pull that up it's at 18 minutes and 55 seconds.

(Video file played in open court.)

(Video file concludes.)

THE COURT: Is he speaking English?

MR. CANTY: He's speaking English, your Honor.

MS. AHMAD: I'm going to keep it short and to the point because it's all been said by people far.

I would forward it, your Honor, but I think I would overshoot it.

I'm going to keep it short and to the point because it's all been said before by far more eloquent people than me. Our words have no impact upon you, therefore, we want to talk to you in a language that you understand. Our words are dead until we give them life.

THE COURT: Is it just him speaking.

MS. AHMAD: I will let Mr. Canty speak.

MR. CANTY: That's the substance of the portion of this video that we want to play.

THE COURT: Mm-hmm. Now, how many of these videos do you have.

MR. CANTY: Three.

THE COURT: I don't want to see the same thing in essence three times.

MS. AHMAD: Your Honor, the significance of them is they relate to three different attacks. And the attacks we're showing, one attack that occurred in the United Kingdom that that video; one that occurred in New York, that's the 9/11 video; and one that occurred in Denmark.

THE COURT: We can get through it quickly. I mean, this is just -- the point of the matter is they were shown these various, you call them training, you call them propaganda, you call them whatever you want, videos relating to different incidents. You want to show a little bit of each, that's fine, but let's move it along.

MR. NASEER: Excuse me, just for the record, sir, the point of the Government is trying to make that point can be made by the witness by describing that he viewed the video we do not need the video at all. The video is very inflammatory it's going to inflame.

THE COURT: Frankly, I don't think it's what I've seen so far is not particularly inflammatory. You see it on the evening news here in the States for heaven's sake so I feared a lot worse but go ahead.

MR. NASEER: The videos refers to 9/11, bombs exploding in different parts of the world and it will have an emotional impact on the jury. So I don't think it's going to -- what the purpose is that the witness can describe that he viewed the video and we don't.

THE COURT: He could do that but that's not the way the Government chooses. You've made a specific objection which I appreciate I looked at the material. To the extent I've seen it so far, I find it does not, certainly not a §403 objection.

It is fairly benign, all things considered, based upon what we've all been subjected to here in our news programs, et cetera.

The point is that in this conspiracy, according to the Government's allegation, they use these videos to train and incite and encourage these young people to perform these various acts.

That's the Government's theory. That's the proof they're entitled to it. I don't find that this is so extremely prejudicial already. The prejudice outweighs the probative part of it. My only concern is I don't want a lot of it. There's really no point to a lot of it.

MR. NASEER: Can I request the Court, sir, to instruct the jury that the contents of the video has no relation to the defendant and the defendant was never involved in what is portrayed in the video.

THE COURT: No. You can request it but I'm not going to do it. The you can elicit whatever responses you want from the witness when you cross-examine. It will be incumbent upon the Government, as I said, now several times to prove that you are a member of this conspiracy. These videos do not do that but it does not render them irrelevant by any means they have to prove first and foremost the existence of this terrorist conspiracy and the manner in which they recruit members to participate in these planned terrorist acts.

So you have your objection, you now have my ruling and I'm going to take three minutes and we'll be ready to start.

Take five minutes so we can all be comfortable.

(A recess in the proceedings was taken.)

THE COURT: Did you find that transmittal to Mr. Naseer, the -- of the CD's?

MS. AHMAD: No. My colleague has gone back to our office. We don't have the Bates stamp version of our discovery with the report.

THE COURT: I'm sorry. He's not in the room yet.

(Defendant enters the courtroom.)

THE COURT: I just inquired of the United States Attorney whether or not she had found the transmittal of the CDs to you, and she reports that her paralegal is in the process of attempting to retrieve that. I bring it up only because if there are going to be objections of this sort in the future regarding the materials that have been shared with the defense, that could conceivably delay us because of the Court's need to do what it has to do in reviewing material, bring it to my attention today. Okay. And with that, I think we're ready to resume.

So the record's clear, I'm going to admit what I have seen.

MR. NEUMAN: Your Honor, are you reserving judgment on the entire videos then?

THE COURT: Yeah. I haven't seen it. If it's more along this line, I'm not going to have a problem with it, but I think it requires the Court to review it. Otherwise, how do I decide whether or not it's excessively inflammatory and runs afoul of 403 without seeing it?

MR. NEUMAN: Okay.

THE COURT: But if Mr. Naseer has had it and he waits until this moment for me to see it, I'm not a happy camper.

MR. NASEER: To best of my memory, I'm not going to go to point out the letter on the Bates number, so we can share this information. Now I haven't received this video.

THE COURT: Uh-him (affirmative response).

THE CLERK: All rise.

(Jury enters.)

THE COURT: All right, folks. Please be seated.

Pardon that somewhat extended break. We had some work to do, but we have completed it and we're ready to resume.

Mr. Canty?

MR. CANTY: Yes, your Honor.

DIRECT EXAMINATION

BY MR. CANTY:

Q Showing you what's been marked as Government Exhibit 805 that has your initials on it. Do you see that? (Exhibit published to the witness.)

A Yes.

Q Do you recall watching a video during your training or shown to you by Hamad that included propaganda material

involving the London bombing?
A Yes, sir.
Q And the 9/11 Attacks?
A Yes, sir.
Q Can you just describe to the jury when we use the term "London bombing" what we're referring to?
A London bomb was an attack by al-Qaeda that targeted buses and trains in London.
Q That's also known as the 7-7 Bombing?
A Correct.
Q Now, after you reviewed 805, did you put your initials on it?
A Yes, I did.

MR. CANTY: Your Honor, I ask what's been marked as Government Exhibit 805 for identification be moved into evidence.

THE COURT: Over objection, it is received and in accordance with the Court's instruction, on -- along the limitations we previously identified.

MR. CANTY: Your Honor, I would like to now publish portions of that video and ask the defendant -- the witness questions regarding that video.

THE COURT: Go ahead.

And may we have the lights dimmed?

THE CLERK: They are dimmed.

MR. CANTY: Your Honor, with the Court's permission, may I operate the computer and continue my questioning from my spot here?

THE COURT: Uh-him (affirmative response).

MR. CANTY: Thank you, your Honor.

I'm playing the exhibit at one minute and three seconds, your Honor.

(Video played in open court.)

BY MR. CANTY:

Q Mr. Ahmedzay, do you know what language is being spoken on this video?

A Arabic.

Q Do you see English subtitles?

A Yes, I do.

(Video played in open court.)

BY MR. CANTY:

Q With respect to that portion of the video, I've stopped the video at 1:54. What did we just see?

A It was describing the -- like a prelude to the London Bombings, talking about why they did it.

Q With respect to the video, do you see an insignia on the lower right-hand corner?

A Yes, I do.

Q What does that say?

A As-Sahab.

Q What do you know As-Sahab to be?
A That's the media of al-Qaeda.
Q Okay. Now, I have stopped the video at one minute and 54 seconds. Who is on the video here?
A That's Ayman al-Zawahiri.
Q Who is he?
A He is the current leader of al-Qaeda.
Q At the time what was his position with al-Qaeda?
A He was second in command.
Q To whom?
A To Osama bin Laden.

(Video played in open court.)

Q Okay. I stopped the video at 2:36. Did you hear just some chanting on the video?
A Yes.
Q What is that?
A That's called Nasheed.

(Video played in open court.)

Q Okay. Now, I've stopped the video at 2:36. Do you see language at the top of that page?
A Yes, I do.
Q What do you see?
A It says New York on the left and London on the right.
Q Okay.

(Video played in open court.)

Q I've now stopped the video at 2:51. What did we just see in that clip?
A There are attacks on -- the 9/11 Attacks and the 7-7 Attacks in London.
(Video played in open court.)
Q I've now moved the video to 4:19. Who do you see on the video here?
A That's Osama bin Laden.
(Video played in open court.)
Q I've now stopped the video at four minutes and 40 seconds.
With respect to that video that we just saw, what was the meaning of that shouting we just heard?
A That means Allahu Akbar.
Q What significance does that have?
A It's like a chant. It means "Allah is great."
Q Now I have the video at 9:20. Who do we see here?
A That's Imam Zawahiri.
(Video played in open court.)
Q Now, I've stopped the video at ten minutes and 51 seconds. What was the speaker talking about in this video, in this clip of the video?
A He's speaking about the Muslims shouldn't submit to England and their government. They should rather fight against it.

(Video played in open court.)
Q I have now stopped the video at 14:20.
(Video played in open court.)
Q And again, who is this on the video?
A Osama bin Laden.
Q I've now started the video at 18:55.
(Video played in open court.)
Q I stopped the video at 19:07. Do you recognize the image of the individual on this video?
A Yes. That's Mohammad Sidique Khan.
Q Who is Mohammad Sidique Khan?
A He was one of the bombers the London attacks.
Q The London attacks on 7-7?
A Yes, sir.
Q And the significance of the term "shahid" is what?
A It means a martyr.
(Video played in open court.)
Q Who that is speaking?
A That's Mohammad Sidique Khan.
Q What is this? What are we watching here?
A This is martyrdom video.
Q Was this video published after he carried out the attacks in London?
A Yes, it was.
Q Now, can you tell us what the defendant just -- excuse

me, what Mr. Sidique Khan said on that video?
A (No response.)
Q Want me to play it for you again?
A Yeah. Play again.
Q Sure.
(Video played in open court.)
Q When did he just say there? Did he say, "I'm going to keep this short and to the point"?
A Yes, sir.
(Video played in open court.)
Q "Because it's all been said before by far more eloquent people than me." Is that what he just said?
A Yes, sir.
(Video played in open court.)
Q And did you hear what he said there?
A Yes.
Q What did he say?
A He said, "Our words have no impact on it."
(Video played in open court.)
Q "Talk to you in a language that you can understand?"
A Yes.
THE COURT: I don't know why we're playing it if you're going to recite it. Let's move it. Come on.
(Video played in open court.)
BY MR. CANTY:

Q Now, with respect to this video, does this continue on in a similar vein to the end of the video?
A Yes, sir.
Q And you watched this video while you were at the training compound?
A Yes, I did.
Q Who showed you this video?
A Hamad did.
Q And what effect did this video have on you at the time?
A It motivated me to agree to a suicide mission.
Q What was it about this video that motivated you to want to carry out the attacks in New York?
A Well, I personally related to a lot of things he said, you know, leaving everything for the sake of Allah and giving our life, you know, to defeat the oppressor. That's the message that I received from the video.
Q Even if that included civilian casualties?
A Yes.

MR. CANTY: Your Honor, I have what's been marked as Government Exhibit 803 for identification.

BY MS. AHMAD:
Q Mr. Ahmedzay, during your training, did Hamad show you a video regarding the bombing of the Danish Embassy in Pakistan?
A Yes, he did.
Q Did you watch that video as well?

A Yes, I did, sir.
Q I have what's been marked as 803 for identification. I'd like you to take a look at that.
MR. CANTY: May I have it for the witness only.
(Exhibit published to the witness.)
MR. CANTY: May I have the overhead, please?
THE CLERK: Sorry. Okay.
BY MR. CANTY:
Q I would like you to take a look at Government Exhibit 803. With respect to the video you were shown regarding the bombing at the Danish Embassy in Pakistan, did you watch Government Exhibit 803?
A Yes, I did.
Q Does it include the same video that you were shown by Hamad at the training compound in Pakistan?
A Yes.
Q After watching this video, did you place your initials on that?
A Yes, I did.
Q Do you see your initials here on this disc?
A I can't see the disc, sir.
Q (Zooming in.) Can you see it now on the TV?
A No, I can't see it.
MR. CANTY: (Hands exhibit to the clerk. The clerk hands to the witness.)

THE WITNESS: (Perusing exhibit.) Yes, that's the CD.

MR. CANTY: Your Honor, I ask what's been marked as Government Exhibit 803 for identification be moved into evidence.

THE COURT: Is there an objection?

MR. NASEER: Objection.

THE COURT: The same -- we find ourselves in the same situation.

MR. CANTY: I would ask that we be able to play the portions that we produced to the Court.

THE COURT: Are they along the same vein that we've just seen?

MR. CANTY: They're similar. This involves --

THE COURT: I have to defer it 'til I've seen it.

MR. CANTY: I believe we showed you --

THE COURT: This is what you showed me?

MR. CANTY: I believe we showed you a portion of it, not everything we wanted to play. But it's along the same vein, yes, certainly not --

THE COURT: Okay. 803, those portions and those portions only in evidence.

MR. NEUMAN: Judge, if I could just ask Mr. Canty to be very careful about indicating when it begins and ends. I think some of those -- I know he makes an attempt to do that, but I think that it wasn't always clear exactly what time stamp was being shown to the jury.

So I would ask you to be careful about that.

MR. CANTY: I'll be happy to do that, your Honor.

THE COURT: I thought he did that the last time for them.

MR. NEUMAN: I think there were some times when he might have said, "I'm stopping here," but it wasn't clear what was begun.

THE COURT: All right. If he doesn't, interrupt him.

MR. NEUMAN: Thank you.

THE COURT: But I'll look to Mr. Naseer for those comments.

Go ahead.

(Video played in open court.)

MR. CANTY: Your Honor, I moved the video to time stamp 33:28, now playing.

(Video played in open court.)

BY MS. AHMAD:

Q Mr. Ahmedzay, after watching this video, what are we about to watch right here?

A That's -- this is a martyrdom video, speaks in --

Q And that's at 33:55. Do you see an insignia on the lower right-hand corner of this video?

A Yes, I do.
Q What insignia is that?
A That's As-Sahab insignia.
Q And this individual was creating a martyrdom video for what attacks?
A For the Danish Embassy attack in Pakistan.
(Video played in open court.)
Q I stopped the video at 34:51. What is the individual in the video doing right now? What is he starting to do?
A He's reciting Qur'anic verses.
Q In what form? How is he doing it? Is he singing it or is he stating it?
A He's singing it, sir.
Q What is that called?
MR. NASEER: Objection.
THE COURT: Overruled.
A This is a recitation of the Qur'an right here, sir.
(Video played in open court.)
Q What was the individual in the video talking about there? I stopped the video at 35:41.
A He's speaking about the glory of fighting the cause of Allah.
Q I'm sorry. Go ahead.
A Fighting Mujahid.
Q What effect did this have on you?

A Well, I used similar verses from the Qur'an and Hadid to motivate myself during that compound -- training compound.
Q Motivate you in your quest to carry out a suicide attack in New York?
A Yes, sir.
Q I'm now starting the video again at 43:56.
(Video played in open court.)
Q All right. I stopped the video at 44:44 seconds. What do you see in this video?
A It's the person speaking in a martyrdom video. He's talking about, you know, fighting, again, fighting the cause of Allah.
Q Is this the vehicle that he used to carry out the martyrdom attack?
A Yes.
Q I've now started the video again at 46:01.
(Video played in open court.)
Q And I stopped it at 46:10. What was the defendant -- the witness doing at that point?
A Singing a Nasheed.
Q And can you read the translation for us?
A "I don't want to win in this world. I want to win in paradise."
Q What significance did that have? What was he talking about at that point?

A He's speaking about the reward that a shahid or martyr receive after death.
Q And what's that?
A That he will be admitted to paradise. He'll have, you know, women.
Q That's your reward for a martyr, that they receive women in the afterlife?
A That's one of the rewards, yes.
Q That's what he's referring to here?
A Yes.

(Video played in open court.)

Q And I stopped the video at 46:45. Do you see a flag in that picture?
A Yes, do I.
Q What's that a flag of.
A I believe it's the Danish flag.
Q And what is this a reenactment of?
A Supposed to be the consulate or embassy, the Danish Embassy in Pakistan.
Q And that was attacked?
A Yes.
Q I'm continuing the video at 46:45.

(Video played in open court.)

MR. CANTY: I have another exhibit, Government Exhibit 907 for identification, that I need to show to the -- only the witness to authenticate.

THE CLERK: Okay.

MR. CANTY: The actual video, portion of the video.

(Exhibit published to the witness.)

(Clerk conferred with Mr. Canty.)

BY MR. CANTY:

Q Mr. Ahmedzay, do you recognize this exhibit?

A Yes, I do.

Q And this is a video of that you were shown at the training compound by Hamad?

A Yes.

MR. CANTY: Your Honor, I ask what's been marked as Government Exhibit 907 for identification be moved into evidence.

THE COURT: Same objection?

MR. NASEER: Objection to relevance.

THE COURT: Same ruling -- to relevance? Is that the objection?

MR. NASEER: Objection.

MR. NEUMAN: Same objection.

THE COURT: Same ruling. We'll defer.

MR. CANTY: Your Honor, at this point, I'm not going to play any portion of this video.

BY MR. CANTY:

Q I will just ask you, Mr. Ahmedzay, what's the substance

of this exhibit?
A (No response.)
Q What's on this exhibit?
A The speaker talks about the permissibility of using suicide bomb attacks.
Q And did you watch this video at the training compound?
A Yes.
Q And did it motivate you?
A It was part of the motivation, yes.
Q Now, at this point, after Hamad had shown you these videos, had you and your two friends from New York come closer to making a decision as to whether or not you were going to carry out the attack in New York?
A Yes.
Q Now, did there come a time after your training that you met again with Abdul Hafeez and Ibrahim regarding their initial proposal?
A Yes.
Q What did you tell them?
A I told them that I was ready, and we're all ready basically to the carry out the attacks in the U.S.
Q And with respect to the carrying out of that, did they tell you where they wanted to you go back to the United States to carry out the attack?
A Yes. They told us that they wanted it immediately within

the presidency of Bush, which was I think two months of that year in October, basically, October, December 2009, 2008.
Q So they wanted it done, essentially, before the end of 2008?
A Yes.
Q What was your response when they told you they wanted it done that fast?
A I told them that I couldn't. I couldn't do that. I needed to see my family first.
Q Now, after you had agreed and you told them you wanted to see your family, was there a discussion about you and any of the other individuals that you were with receiving additional training?
A Yes.
Q Who was going to receive additional training?
A Myself and Najibullah Zazi.
Q And was Mr. Medunjanin going to receive additional training?
A No.
Q Why not?
A He had a one-month Pakistani visa and a one-way ticket that he needed to fly back to the United States.
Q So what was the plan for Mr. Medunjanin?
A To fly back to the United States within that time frame.
Q Now, when you met with Abdul Hafeez and Ibrahim and you

agreed that you would carry out the attack, did you also agree on a time when you would come back and receive explosives training?
A Yes, I did.
Q What was the agreement?
A That agreement was for me to go back home, see my family and then after a month, come back before the explosives training.
Q And did you, in fact, go and see your family?
A Yes, I did.
Q Tell the jury what happened when you went to go see your family?
A I spoke to my wife. I told her that I had been to a training camp, and that I wanted to go back for the training, explosive training. She told me that, "You're going to leave a wife who loves you and A-6-month-old daughter and possibly get yourself killed? If that's the case, then you could say goodbye to your wife and kids because I'm going to throw myself into the fire, if that's what you're going to do."
Q And what was your reaction when your wife told you that she's going to kill herself and your child?
A I began to think about it and I decided not to go. I had a change of heart at that point.
Q Did you, in fact, at that point go back for weapons training?

A No, I didn't.
Q Did there come a time when you actually went back to Pakistan and met up with Najibullah Zazi?
A Yes, I did.
Q To your knowledge, did he complete that explosives training?
A Yes, he did.
Q Did he ask you where you went? Why you didn't show up?
A Yes, he did ask me.
Q And what happened in that discussion?
A I told him what happened with my wife, that I had, you know, a change of heart and I couldn't make it to the training, the explosives training.
Q And did he ask you whether or not you were still willing to go forward with carrying out the attack?
A I didn't really indicate to him that I was out of it or in it, so he didn't really ask about that. But he did ask me if I wanted to go back to training camp and I said no.
Q Now, did there come a time where Mr. Zazi and yourself then traveled back to the United States?
A Yes.
Q Who left first?
A Zazi did.
Q And when did you leave, do you remember, approximately?
A I left towards the end of January 2009, about February.

Q When you got back to the United States, what was your position with respect to carrying out an attack that you agreed upon when you met with Abdul Hafeez and Ibrahim?
A Excuse me?
Q What was your position when you initially returned back to the United States, were you going to carry out the attack?
A No, I wasn't really committed at that point when I came back.
Q Now, during that time period, were you -- did you review any news sites or do any research with respect to al-Qaeda?
A Yes. I had read some reports, media reports.
Q Now, when you were looking at those media reports, did you recognize anybody from those media reports?
A Yes, I did.
Q Who did you recognize?
A I recognized Ibrahim. His name was Rauf Rashid in the media report, dual citizen of United Kingdom and Pakistan.
Q You saw that in reporting in the news?
A Yes, I did.
Q When you saw it, that was the person you recognize as Ibrahim?
A Yes, it had a picture of him.
Q What was the substance of the report that you saw on the news?
A He said that he was -- that he was responsible for

international operations of al-Qaeda and that he had died in an attack, drone attack.

Q Now, when you were back in the United States, did there come a time when you met up again with Mr. Medunjanin and Mr. Zazi?

A Yes, I did.

Q Where was Mr. Zazi when he came back to the United States? Did he stay in New York or did he go somewhere else?

A No, he went to Colorado.

Q What you about Mr. Medunjanin? Did he stay in New York?

A Yes, he did stay in New York.

Q Did there come a time where you connected again with Mr. Medunjanin?

A Yes, I did.

Q Tell the jury about what happened when you met up with him again?

A When I first met up with him, I told him that I didn't attend the explosives training. At that point, he said that I made a mistake and that I needed to refocus myself and get back and recommit myself. So I told him that I would do that. I would try to do that.

Q Was there anything in particular that he discussed with you that convinced you that you need to recommit yourself to carrying out a suicide pact here in New York City?

A I read a verse in the Qur'an. The verse talk about you don't betray your covenant to Allah and the Messenger.
Q Could you say that again?
A Don't betray your covenant to Allah and don't betray Allah and the Messenger, and that your family is a test for you.
Q What did you take that to mean?
A I felt that this verse was talking about me, that I had made a covenant and now I was backing out, that I should recommit myself and get myself back on track.
Q When you said made a covenant, what covenant are referring to?
A This agreement that we made in beginning before we traveled to Pakistan.
Q To carry out to either join the Taliban or dedicate yourself to --
A That's correct, sir.
Q Now, what did you do to motivate yourself again to prepare yourself to carry out the suicide attack?
A Well, I began to get more involved watching the videos again, propaganda videos reading the Qur'an more, listening to lectures.
Q When you returned to New York, did you do any regular activities? Did you do anything that made it appear like you were moving on with your life?

A No, I did what I was doing before. I went back to school. I went back to college.
Q What about Mr. Medunjanin? Was he enrolled in school?
A Yes, he was.
Q Now, with respect to the attack, did there come a time when Mr. Zazi came from Colorado back to New York?
A Yes.
Q When was the first time he came become to New York?
A About spring of 2009.
Q Did you meet up with him?
A Yes.
Q Who was present at that meeting?
A I was present, Adis Medunjanin and Zazi.
Q What was the role that Mr. Zazi had with respect to carrying out the attack?
A He had the explosive training and he would basically be getting the materials and trying to make the bomb.
Q And what was your role in carrying out the attack?
A My role was to pick a target, choose a target.
Q Why were you asked to do that?
A I had knowledge of the city, different, you know, places in the city as a taxi driver.
Q You were familiar with the areas of Manhattan?
A Correct.
Q And what was the role for Mr. Medunjanin?

A He was going to carry out the attack.
Q He was going to participate as a suicide bomber, as well?
A That's correct.
Q Now, I'd like to talk to you about that first meeting you had when Mr. Zazi came back from Colorado. Where did that occur?
A That occurred in Kissena Park in Queens.
Q Who was present again for that meeting?
A Myself, Adis Medunjanin and Zazi.
Q Can you please tell the jury what happened during that meeting?
A In that meeting, we basically reaffirmed our commitment, and we had a date in -- date that we were going to carry out the attack, supposed to be sometime in Ramadan.
Q When was Ramadan that year?
A That's September, around September, October.
Q And what else did you discuss at that meeting?
A We also discussed again the specifics, what kind of thing -- what kind of bomb we're going to make and stuff. And at that point, we're trying to have a -- trying to have a car bomb. And basically, Zazi was going to do the work. He was going to pick out the chemicals and try to put it together.
Q Okay. And did there come a time where Mr. Zazi went back to Colorado?
A Yes.

Q What did you do in the interim when he was back in Colorado?
A Well, went back to school. I was attending school at that time.
Q Now, with respect to you were going to carry out a suicide attack but you went back to school, were you given any specific instructions when you were in training on how you were to carry yourself when you went back to the United States?
A Yes.
Q Who gave you those instructions?
MR. NASEER: Objection.
THE COURT: Overruled.
A Abdul Hafeez.
BY MR. CANTY:
Q What did Abdul Hafeez tell you about how you should conduct yourself when you go back to the United States?
A Said to keep a low profile, continue doing what you're doing and don't do anything in the open that law enforcement might see.
Q Act normal?
A Yes.
Q Now, did there come a time where Mr. Zazi returned again to New York?
A Yes.

Q When was that?
A This was in about June 2009.
Q And did you meet with him at -- the second time he became came back to New York?
A Yes.
Q Where did that meeting take place?
A That meeting took place in Bear Mountain, New York state.
Q That's up by West Point?
A Yes.
Q And who was present for that meeting?
A Me and -- I was present and Najibullah Zazi.
Q And was the discussion that you and Mr. Zazi had at that meeting at Bear Mountain park?
A At that meeting, Zazi told me he couldn't make a bigger bomb. It was two parts to the bomb, primary part and a secondary part. He said the secondary, the bigger part, he couldn't make that. He was missing some notes. But he did indicate -- he did tell me that he was able to make a suicide bomb. So we decided at that point that we were going to carry out a suicide attack and that we're going to target the subways.
Q Now, when you came to learn that a car bomb was not feasible, did you return to any instructions that you received from Abdul Hafeez or Ibrahim as to whether or not you should cancel it or go ahead with some different kind attack?

A Yeah. One of the instructions that they gave me was -- the al-Qaeda members was that if you can't do something bigger, then you make sure do you something smaller.
Q So the objective was what?
A To carry out an attack.
Q Do some type of attack? Did they tell you any failings that they had previously with individuals that tried to carry out big attacks?
A Yes. They said they had experiences of people trying to do something too big and eventually they got caught.
Q Now, when you -- after you had this meeting with Mr. Zazi at Bear Mountain, did he return back to the Colorado?
A Yes, he did.
Q For what purpose?
A He was going to get the chemicals together and bring them back to New York.
Q And when he went out to Colorado, between that -- that second meeting occurred when? Do you recall approximately what month, the one at Bear Mountain?
A Around June 2009.
Q So between June and September, what were you doing?
A I was working, driving my taxi.
Q Now, did there come a time when Mr. Zazi returned to New York a third and final time?
A Yes.

Q When was that?
A This was around September. 2009.
Q Now, prior to him coming back to New York, did you ever communicate with him on the phone?
A Yes.
Q When you communicated with Mr. Zazi on the phone, did you ever use explicit language about what you guys were doing?
A Yes.
Q Well, did he specifically tell you, "I'm making a bomb," or did he use some sort of other language to you?
A He used the code, sir.
Q Tell the jury about the code.
A He told me that he had -- was rebooting his computer. He had two different CDs. The first CD was working but the second part, the second CD was not working.
Q What did you take that to mean?
A I took that to mean that he was talking about the bomb, the primary part and the secondary part, that the primary part was working but the secondary part, he was having problems with.
Q Now after you met, after you had those phone calls with Mr. Zazi, when was the next time you saw him?
A The next time I saw him was in front of my house around September.
Q This was early September?

A Yes.
Q And can you tell the jury what happened when he came to your house, when Mr. Zazi came to your house?
A Yeah. He drove by my house. I came down. I greeted him and then he told me that he had got stopped a couple times, once in trying to enter New York City at the George Washington bridge. And he told me that he had the chemicals for the detonator and he gave that to me, and he told me to take it into my house.
Q Let's talk about these chemicals. How were they packaged?
A It was in a glass jar, a powdery substance. It was about the size of a coffee jar.
Q What did you do with that glass jar?
A I took to it my house, put it in the closet.
Q Where did you go next?
A I went back down and, you know, we drove back. We're going to drive back to the mosque, dropped him off.
Q And at that point, you were prepared to carry out a suicide attack in New York City, is that correct?
A Yes.
Q And what were you hoping to accomplish with -- what were you hoping the result of the suicide attack would be?
A They told us to have mass casualties, also economic effect by the attack, carrying out the attack.

Q When you say "mass casualties," you wanted to kill as many people as possible?
A Yes.
Q Did you pick a time when you wanted to do that?
A Rush hour, morning rush hour.
Q Why morning rush hour?
A Is the busiest time.
Q As you got closer to the date that you were going to carry out this suicide attack and kill these people, did you discuss specifically where the attack was going to take place?
A It was going to be the subways. But, no, we didn't choose a specific target.
Q Why the subways?
A It's a crowded place. That was the main reason. And it's the pipeline of the city. People go to work in the morning, stuff like that.
Q You thought it would have a devastating effect on the way New York City operates?
A Yes.
Q Now, when you and Mr. Zazi left your house, can you tell us what happened?
A We started driving and I saw some law enforcement following.
Q So what did you guys decide to do?
A We decided to drive to the Muslim Center on Kissena

Boulevard.
Q Why did you go decide to go to the Muslim Center on Kissena Boulevard?
A He had some chemicals in his car and we decided to get rid of them at the mosque.
Q Why did you pick the mosque to get rid of them?
A They had a garage to drive into and it was hidden, so you couldn't really see it. It was a good place for us. We've been there before. We're familiar with it. Thought that was a good place to get rid of the stuff.
Q Did you, in fact, get rid of that material?
A Yes.
Q Can you just describe for the jury what you did?
A Zazi gave me a container. It had some sort of acid or something. He told me to flush it down the toilet in the bathroom of the mosque. I did that and I got rid of the container, threw it in the garbage.
Q You did that because you didn't want any evidence connecting you to any bombing material?
A Yes.
Q Now, at this point, did you and Mr. Zazi make a decision as to whether or not you're going to carry out the attack?
A Yeah. At this point, we decided that we're not going to carry out the attack.
Q Was that because you had a change of heart or was that

because you were afraid you were going to get caught?
A We knew that law enforcement was tracking us, so.
Q So the only reason you decided not to carry out the attack was because --
MR. NASEER: Objection to leading.
THE COURT: Sustained.
BY MR. CANTY:
Q Now, did you -- did there come a time where you realized you had to get rid of additional material?
A Yes.
Q Where was that material?
A The material that Zazi gave me that I had in my house.
Q And after you got rid of the material at the mosque, did you go back to your house?
A Yes.
Q Tell you the jury what you did when you got back to the house.
A I took the material. I flushed it down the toilet. I saw some residue on the toilet, so I cleaned it up with cardboard, and then to get rid of the residue on the cardboard, I lit it on fire and it popped.
Q Well, what happened when you burned the cardboard? Did it burn like a regular piece of cardboard would burn?
A No. It's like when you leave on the gas, leave it on and you -- then you lit it on fire, has like a pop to it.

Q And that's what happened when you lit that piece of cardboard?
A Yes.
Q How much of that material had even gotten on the cardboard?
A Very little.
Q And why did you burn the cardboard?
A To get rid of the evidence, the residue.
Q Now, did there come a time when law enforcement officers came to your house and searched your house?
A Yes.
Q And did you have an understanding of why they were conducting the search of your house?
A Yes, I did.
Q At the time, did you agree to speak with the FBI?
A Yes, I did.
Q It was, in fact, the FBI that came to your house?
A Yes.
Q And where did you first speak to them?
A I spoke to them in a car, first time.
Q And without telling us what you said, did you tell the FBI the truth about what you -- the conduct you had been engaging in?
A No.
Q What did you tell them that was a lie?

A I told them about my travels. We basically gave them the cover story that we had made up.
Q So you didn't tell them anything about you and your friends attempting to carry out an attack?
MR. NASEER: Objection to leading.
THE COURT: Overruled.
A That's correct.
BY MR. CANTY:
Q Now, did you agree to be interviewed with the FBI again a few days later?
A Yes.
Q And did you also lie in that second interview?
A Yes, I did.
Q Again, what did you say in that second interview that was a lie?
A Same thing, told them my cover story.
Q And as a result of your conduct, did there come a time when you were ultimately arrested by the FBI?
A Yes.
Q When was that?
A This was in 2010, January of 2010.
Q And what were you originally charged with?
A Lying to the FBI.
Q And did you have a lawyer appointed to represent you after you were arrested?

A Yes.
Q And did there come a time when you agreed to speak with the Government after your arrest?
A Yes, I did.
Q When was that?
A This is around April 2010.
Q And after you were arrested and had a lawyer appointed, did you engage in multiple meetings with the Government?
A Yes.
Q And after meeting with the Government, did you ultimately tell them the truth about what had occurred?
A Yes, I did.
Q Other than your involvement in this conspiracy, did you also have to tell them any other crimes that you had committed?
A Yes.
Q And did you, in fact, disclose to the Government crimes that you had committed that they had no knowledge of?
A Yes.
Q Ultimately, did there come a time when you pled guilty?
A Yes.
Q Did you plead guilty pursuant to a plea agreement?
A Yes, I did.
MR. CANTY: I have what's been marked as Government Exhibit 3500-ZA-12. I'd like to show this to the

witness.

THE COURT: Go ahead.

MR. NASEER: May I have it on the overhead projector, please?

THE CLERK: Overhead projector? Certainly. Okay.

(Exhibit published to the witness.)

BY MR. CANTY:

Q Mr. Ahmedzay, do you recognize what's been marked as Government Exhibit 3500-ZA-12?

A Yes.

Q It is ten pages long?

A (Pausing.) Question?

Q It is ten pages long?

A Yes.

Q On that last page, does your signature appear on that document?

A Yes, it does.

Q With respect to this plea agreement, does the plea agreement fully encapsulate your agreement with the Government?

A Yes.

Q Were any other promises outside of this agreement made to you?

A No, sir.

Q Let's talk about what your obligations are under that

cooperation agreement. What are your obligations according to that document?
A My obligations are to tell the truth and to testify if there's a need.
Q Have you, in fact, testified?
A Yes.
Q How many times have you testified?
A Twice.
Q And if you testified truthfully, what is your expectation from the Government? What is the Government's obligation? What's your understanding of the Government's obligation under this plea agreement?
A The Government has an obligation of presenting a 5K letter to the judge, detailing my cooperation.
Q Now, according to this plea agreement, what is the maximum sentence you could receive?
A Life.
Q And with respect to your hopes, what are you hoping to happen if the Government writes a letter on your behalf to your sentencing judge?
A I hope for the best.
Q Which is what?
A Time served.
Q Now, ultimately you pled guilty to three counts?
A Yes, I did.

Q Okay. Now, even if the Government writes this letter for you, is the Court that's going to sentence you required to give you a lower sentence?
A No, sir.
Q And, in fact, even after receiving the letter, the Court could do essentially whatever it wants, right?
A That's correct.
Q Will the Government recommend a particular sentence to the judge?
A No, sir.
Q Has anybody guaranteed you what your sentence will be?
A No, sir.
Q If you violate any provision of this plea agreement, what happens?
A Basically ripped apart.
Q And will you be able to take your plea back?
A No.
Q What will you be facing then?
A I'll be facing life.
Q Now, with respect to the other crimes that you have committed that you did not tell -- told -- that you disclosed to the Government, what other crimes did you commit that the Government didn't know about, that you told them about?
A I lied on my financial aid forms for college, my tax returns and my health care forms.

Q And you disclosed that to the Government?
A Yes, I did.
Q And why did you do that? Why did you lie on those forms?
A Why did I lie?
Q Yes.
A It was to get the, you know, the assistance, the financial aid assistance, the health care and basically to --
THE COURT: Reduce your taxes?
THE WITNESS: Reduce my taxes.
BY MR. CANTY:
Q Now, did you also repeat those lies on your student loan application, as well?
A Yes.
Q Now, since you have pled guilty, have you continued to meet with the Government?
A Yes, I have, sir.
Q And have you met with representatives of foreign governments?
A Yes, I have.
Q Now, did you meet with the Government in preparation for your testimony here today?
A Yes, I did.
Q If you lie under oath, what's going to happen to that cooperation agreement?
A Again, it will be ripped apart.

Q Now, with respect to your living conditions, how long have you been incarcerated?
A Five years.
Q And are you given a stipend from the FBI that's put into your commissary account?
A Yes.
Q How much do you receive?
A About a hundred dollars a month.
Q What do you use that money for?
A My basic necessities, phone calls, hygiene products and commissary items.
MR. CANTY: May I have one moment, your Honor?
THE COURT: Uh-him (affirmative response).
MR. CANTY: (Confers with co-counsel.)
Your Honor, I have no further questions for this witness.
THE COURT: All right.
Mr. Naseer?
MR. NASEER: Could I request to the Court for a break in regard to this time?
THE COURT: You want to take an early lunch break?
MR. NASEER: Yes.
THE COURT: All right. We'll accommodate you. Sure.
We'll take an early lunch break and resume at 1:40.

Enjoy your lunch. Don't discuss the case, folks.

THE CLERK: All rise.

(Jury exits.)

THE COURT: Okay, 1:40, it is.

MS. AHMAD: Your Honor, we have a brief note with respect to the scheduling. We did our best to move this witness' testimony as quickly as possible, but it may end up being a Pyrrhic victory because there are remaining witnesses who are coming who are -- we expected to testify tomorrow rather than today -- are landing this afternoon at JFK. We'll see how quickly we can get them there.

Our idea for how to proceed after Mr. Ahmedzay's cross is complete is that we will put into evidence the deposition video of Officer 1603. We may also then recall Mr. Losada to put in any additional certified documents that we obtained from the UK this morning, and we are trying to procure one additional witness to discuss the arrests in this case.

If we are then left with more time to fill, what we would suggest is we have a computer forensic witness who is going to testify regarding all of the computers seized during the course of the Greater Manchester Police investigation of the defendant.

The key pieces of those media have already been introduced into evidence. They include the computer and the thumb drive recovered from 36 Galsworthy Avenue, as well as the thumb drive recovered from Mr. Raman. Additional pieces of media were, however, also recovered in other searches. Those witnesses who will put those pieces of media into evidence are the ones landing today.

What we would propose is that our forensic examiner begin to testify about his exploitations of -- exploitation of the relevant media and that we then -- he will certainly not complete that testimony today. And that we then break in his testimony tomorrow morning to allow the custody witnesses to quickly put those pieces of media into evidence, and then resume with his direct.

THE COURT: That's fine, as long as you fill the time.

MS. AHMAD: Thank you.

THE COURT: All right, 1:40, folks.

(Lunch recess.)

(Continued on the following page.)

AFTERNOON SESSION

(In open court.)

(Defendant enters the courtroom at 1:42 p.m.)

(Witness leaves the witness stand.)

COURTROOM DEPUTY: Jury entering.

(Jury enters courtroom at 1:43 p.m.)

THE COURT: All right, folks, please be seated.

Mr. Naseer, your witness.

CROSS-EXAMINATION

BY MR. NASEER:

Q Good afternoon, Mr. Ahmedzay.

A Good afternoon, sir.

Q I'm going to ask you a few brief questions.

Now, Mr. Ahmedzay, do you have a plea agreement with the U.S. Government?

A Yes, I do, sir.

Q And what benefit will this plea agreement offer you?

A To basically it will give a letter to the judge and then the judge decides what sentence to give me.

Q Mr. Ahmedzay, are you married?

A Yes, I am, sir.

Q The question regarding the defendant have you ever met the defendant?

A No.

Q Have you ever met the defendant in the United States?
A No, sir.
Q Mr. Ahmedzay, have you ever met the defendant at any training camp in Pakistan or Afghanistan?
A No, sir.
Q Now, just a few more -- before the break, the jury will look at the videos that were played to the jury. Have you ever shared these videos with the defendant?
A No, I have not, sir.
Q And where did you view these videos?
A I viewed them in the training camp in Pakistan.
Q And have you ever shared or viewed those videos together with the defendant?
A No.
Q Have you ever e-mailed the videos to the defendant?
A No, sir.
Q Mr. Ahmedzay, have you ever had agreed with the defendant regarding any mission in the United Kingdom, England?
A No, sir.

MR. NASEER: Thank you, sir. I have no further questions.

THE COURT: All right. Anything else.

MR. CANTY: Briefly, your Honor.

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REDIRECT EXAMINATION
BY MR. CANTY:
Q Mr. Ahmedzay, what with respect to what you described as a training camp, again, who was in the house with you when you were training?
A There were the other trainers, three trainers and then Hamad was the leader trainer. That was four. And then the three of us.
Q So you essentially trained -- they trained the three of you alone?
A That's correct, sir.
Q Did they let you have interaction with anybody else that they were training?
A No, sir.
Q And with respect to if you had inadvertently ran into nobody, did they give you specific instructions about what to tell these people where you're from or what languages you speak?
A Yes, they did.
MR. NASEER: Objection to the leading.
THE COURT: Overruled. Let's get going.
Q What explicitly instructions were given?
A I was told not to give my real name, my identity, where I was from.
THE COURT: We've been over all this. If you have

any redirect inquiry by Mr. Naseer. Otherwise, let's move along.

MR. CANTY: Your Honor, that was the last question I had for the witness.

THE COURT: Thank you, sir you may step down.

(Witness leaves the witness stand.)

THE COURT: Next witness.

MR. CANTY: We recall Investigator Losada.

(Witness leaves the witness stand.)

THE COURT: Mr. Losada, take your seat. You have been sworn a witness please proceed.

ROBERT LOSADA,

called as a witness, having been previously duly sworn, was examined and testified as follows:

MR. CANTY: I have what's been marked Government Exhibit 1004 which is a certified record for Tariq Ur Rehman, application for Tier One Post-Study Work valid between September 29, 2008, and September 29, 2010.

I also have an attestation of authenticity of a foreign public document which is Government Exhibit 1000.

At this time, the Government moves to admit Government Exhibit 1004.

THE COURT: Is there any objection?

MR. NASEER: Objection.

THE COURT: And the grounds?

MR. NASEER: Relevance.

THE COURT: Overruled. Received.

(Government's Exhibit 1004 was received in evidence as of this date.)

MR. CANTY: Your Honor, I also have what's been marked as Government Exhibit 1008 which is a copy of Rehman's passport No. AQ7969901 issued on July 26, 2006, with an expiration date of July 27, 2011.

I also have an attestation of authenticity of foreign documents that's duly signed.

I now move to admit Government Exhibit 1008 with the Court's permission.

THE COURT: Same objection, Mr. Naseer?

MR. NASEER: Yes, sir.

THE COURT: Received over objection.

(Government's Exhibit 1008 was received in evidence as of this date.)

DIRECT EXAMINATION

BY MR. CANTY:

Q Investigator Losada, did you have the opportunity to review the record of a Tariq Ur Rehman application for Tier One Post-Study Work valid between September 29, 2008, and September 29, 2010?

A Yes.

Q Okay. I'd like to show you that on the overhead projector.

(The above-referred to exhibit was published to the jury.)

Q Investigator Losada, during the course of your investigation did you become familiar with an individual named Tariq Ur Rehman?

A Yes.

Q Do you see his image anywhere on this application?

A Yes yes.

Q Where is that image?

A Top right corner.

Q Okay.

And the application where it says, "First name or names," what was listed on this?

A Tariq Ur.

Q And the last name?

A Rahman.

Q What was the date of birth listed on this application?

A The 12th of April 1971.

Q And when you say the 12th of April it reads 12/4/1971. Are you familiar with, in European countries, in foreign countries, the listing of the day, then the month, then the year?

A Yes.

Q Okay.
And the place of birth listed by Mr. Rehman on this application.
A Miramshah, Northwest State, Pakistan.
Q Country of Pakistan?
A Pakistan.
Q Is there a stamp on top of that application?
A Yes.
Q What date is on the stamp?
A 10th of September 2008.
Q Moving to the second page of this application. Does it indicate the individual's marital status?
A Yes.
Q What's listed?
A Yes.
Q What's listed?
A Single.
Q I'm moving down to the full address that was listed. What is the full address that Tariq Ur Rehman listed on this application?
A 25, Esmond Road, Manchester, U.K.
Q And the postal code?
A MS 9 LT.
Q MS 8 LT?
A Excuse me.

Q And the date he started living at that address?
A That would be 30th of September 2007.
Q And is there a mobile telephone number on that application?
A Yes, I believe, he did.
Q Can you read that for the record.
A (095) 333-20270.
Q Let me zoom in on that because I want --
COURTROOM DEPUTY: Mr. Canty, one moment. We have another malfunction here.
THE COURT: We'll never have that party. All right.
COURTROOM DEPUTY: Everyone else's monitor is working?
It's on. Okay.
THE COURT: If you smile at it, it tends to come back on.
EXAMINATION
BY MR. CANTY:
Q Investigator Losada, could you just read that second number of the mobile telephone again?
A It's seven.
Q Thank you.
And was there a 3-E-mail address that Mr. Rehman listed on that application?
A Yes.

Q Can you read too, please.
A dawertario@hotmail.com.
Q Spell that for record.
A D-a-w-e-r-t-a-r-i-o.
Q Is that a Q or an O?
A Q, I'm sorry.
Q That's at Hotmail.com?
A At Hotmail.com.
Q With respect to the third page of the application was there any relevant information filled out on the page?
A Yes, middle of the page.
Q What's that?
A Well, he answered no to the question: Has the applicant been a national of Northern Ireland.
Q Had applicant ever lived in Northern Ireland?
A No.
Q He answered no?
A He answered no.
Q Going to the next page.
Does it say -- is there a question asked on this page with respect to passport or travel documents?
A Yes.
Q Was what the question?
A Under what nationality did the applicant enter the United Kingdom?

Q And what did the individual answer?
A Pakistan.
Q Moving on to the next page, is there a question with respect to the current passport document that Mr. Rehman was possessing?
A Yes.
Q And what did he list for his passport travel document number?
A A07969901.
Q And the nationality listed?
A Pakistan.
Q What did he list as the date of issue of that passport?
A 28th of July 2006.
Q And the expiration date?
A 27th of July 2011.
Q And the place of issue?
A Pakistan.
Q And did it indicate that the applicant had enclosed that passport in this application?
A Yes.
Q On the next page, is there any relevant material with respect to the application that's filled out?
A No.
Q Moving along to the page that lists immigration history.
What's the first question the applicant was asked?

A Did the applicant obtain entry clearance or a visa before entering the United Kingdom.
Q What did Mr. Rehman answered with respect to how he entered into the United Kingdom?
A Yes.
Q And does it instruct him to go somewhere after that?
A Yes.
Q Go to what question?
A D-2.
Q And what's the question at D-2?
A From which country overseas, and at which post, did the applicant obtain entry clearance or a visa before traveling to the United Kingdom.
Q And let me just zoom in for you?
A Yeah, okay, thanks.
Q And what country and post city did he list?
A Pakistan, Islamabad.
Q And what was the next question that was asked?
A When was the entry clearance or visa issued.
Q And the date last listed?
A 19th of September, 2007.
Q What was the next question?
A Please enter the reference number on the entry clearance or visa within the applicant's passport or travel document.
Q And the number on there?

A 005546123.
Q And D-5?
A Could you just raise to just a little? I'm sorry, I apologize.
Q Can you read question D-5?
A Yes. Are either of the applicants current and/or any of his or her previous passports or travel documents unavailable.
Q And what did Mr. Rehman answer to that question?
A No.
Q On directing your attention to question D-7. Let me move it up for you.
What question is asked there?
A Please select the applicant's method of entry into the United Kingdom.
Q And what did Mr. Rehman indicate on how he traveled into the United Kingdom?
A Airplane.
Q Moving on to the next page the next relevant question asked was at Page D-11.
Let me zoom that out a little bit for you.
What was he, Mr. Rehman, asked there?
A Is the applicant receiving or has he or she received from there can you just --
MR. NASEER: I'm sorry.
A It's a little blurry.

Q I apologize question No. D-11?
A D-11. What is the applicant's current immigration status in the United Kingdom.
Q And what did he list?
A Student.
Q Mr. Rehman claimed that he was a student?
A Yes.
Q And D-12?
A Is the applicant's current immigration status any of the following categories: Student Tier Four, Postgraduate, Doctor, Postgraduate Dentist.
Q What did he answer to that question?
A He answered, yes.
Q And moving to question D-15?
A Is the applicant receiving, or has he or she received from their recent studies in the United Kingdom sponsorship from the British government, any other government, or an international scholarship agency.
Q And what did Mr. Rehman answer to that question?
A No.
Q Moving along to question D-15A. Does it indicate when the applicant's current visa is set to expire?
A Yes.
Q When was it listed?
A 31st of the December 2008.

Q Next question.
A Has applicant ever remained in the United Kingdom beyond the end of his or her period of leave.
Q And what did Mr. Rehman answer?
A No.
Q Now, with respect to the other material that was included, was there a prior educational records that were included in that application?
A Yes, there was.
Q Moving to Section 6, Summary Sheet. Does it indicate how many types of documents have been provided with the application?
A Yes.
Q What's listed?
A One.
Q All right.
Moving along to the last page of the application form.
Do you see the name listed on the last page?
A Yes, I do.
Q What name is listed?
A Tariq Ur Rehman.
Q And do you see a signature on that document?
A Yes.
Q What's the date of the signature was affixed to that

document?
A 8th of September 2008.
Q Now, I'd like to go back to the application on Page 26 of 44, Question J-1.
Can you read that question, please. Do you need me to zoom that in a little bit for you?
A Give the period during which the application studied and/or undertook research at this institution towards the above qualification.
Q And what did he list as the start date?
A 17th of September 2008 -- seven, 2007.
Q And the end date?
A 25th of August 2008.
Q Now, with respect to the copy of Rehman's passport which is Government Exhibit 1008.
Can you tell us what country issued Mr. Rehman his passport?
A Pakistan.
Q And what was the date of issue?
A July 28, 2006.
Q And the date of expiration?
A July 27, 2011.
Q And the date of birth?
A 12th of April 1971.
Q And what does it list for the country of birth?

A Pakistan.
Q Now, going -- and I'm sorry the city and police of birth?
A Northwest Agency, Pakistan.
Q Now, moving on to the next page. Do you see a stamp, an immigration stamp -- let me turn that around for you -- from Islamabad Airport?
Let me see if I can get that clearer?
A Yes.
Q Can you make it out?
A 30th of September, 2007.
Q All right. Turning that around.
What are we looking at here when it comes in a little clearer.
What are we looking at here?
A This is a visa student. Student visa.
Q And for what country?
A The United Kingdom.
Q And does it list the individual's name?
A Yes, it does.
Q What name is listed?
A Tariq Ur Rehman.
Q And what does that stamp from the immigration identify?
A 30th of September 2007.
Q And the dates of issue can you see that?
A Yes. 31st of December, 2008.

Q Right here this date right here can you read that?
A 19th of September 2007.
Q And that's the date of issue?
A They're the date of issue.
Q Okay. And that's that would until when?
A The 31st of December, 2008.
Q Tariq Ur Rehman. Going to the next page. Can you make out that stamp?
A Yes. 16th of November 2008.
Q And can you make out where that airport stamp is from?
A It's just really blurred out over here. Pakistan.
Q Can you make out some of those letters?
A Not on the screen, no.
Q If you're not sure then that's fine?
A Yeah.
Q Now, looking at the next page of the passport what are we looking at here?
A This is Schengen Visa.
Q What is a Schengen Visa?
A A Schengen Visa is a visa to certain countries in Europe.
Q When was that issued?
A On the 25th of July, 2008.
Q When does it expire?
A 16th of August, 2008.
Q And who was that in the name of?

A Tariq Ur Rehman.
Q And looking at the next page of the passport, do you see a stamp on that page?
A Yes.
Q Can you make that out?
THE COURT: Don't we have an auto focus feature on there at one point?
COURTROOM DEPUTY: There is an auto focus.
THE COURT: Are we not trusting the auto focus?
MS. AHMAD: It's on, your Honor.
THE COURT: It's on. There you go.
Q Do you see a date on there?
A Yes, I do.
Q What date is listed on there?
A 24th of March 2009.
Q And it says, "Immigration Officer Exit"?
A Yes.
Q And the next page what are we looking at here?
A It's a residence permit.
Q And when was that valid until?
A September 10th.
Q September?
A I'm sorry, 29th of September 2010.
Q And does it list why this residence permit was issued to Tariq Ur Rehman?

A Yes, it does.
Q What does it list for the reason?
A Post-study work.

MR. CANTY: Your Honor, if I could have one moment.

(A brief pause in the proceedings was held.)

MR. CANTY: Your Honor, I have no further questions of this witness.

THE COURT: All right. Thank you. Mr. Naseer.

CROSS-EXAMINATION

BY MR. NASEER:

Q Good afternoon, Mr. Losada.
A Good afternoon.
Q Now, can I show the exhibit which is marked 1008 that is in evidence, please.

Mr. Losada, can you see Exhibit 1008 on the screen?

A Yes.
Q Can you recognize the individual in the picture on this exhibit?
A Meaning, do I know who he is?
Q Yes.
A I know him as Tariq Ur Rehman.
Q And is it the defendant's picture on this screen?
A No.
Q Can I move on to Exhibit 1007 which is in evidence, please.

MR. CANTY: I don't believe 1007 is in evidence. It's 1008.

THE COURT: Are we looking for anything in particular I can help you with?

MR. CANTY: It was the second page.

THE COURT: Okay.

Q You can show Page 2 of the Exhibit 1008 to the witness, please.

Mr. Losada, can you see this page number two of Exhibit 1008 on the screen?

A Yes.

Q Is the picture on that screen of the individual, is it of the defendant?

A No.

Q Who is the picture of that on the screen?

A Tariq Ur Rehman.

Q Can we show Page 3 of Exhibit 1008 to the witness, please.

Mr. Losada, can you see the Exhibit 1008, Page Number 3 on your screen?

A Yes.

Q Can you recognize the individual in the picture?

A Yes.

Q Is that the defendant?

A No.

Q Who is the person in the picture?
A Tariq Ur Rehman.
Q Can we move on to Page 4 of the Exhibit 1008, please.
Mr. Losada, can you see Page 4 of Exhibit 1008 on your screen?
A Yes.
Q And is that the exhibit picture a student visa?
A Yes.
Q And is it a student visa for the defendant?
A No.
Q Who is the student visa for?
A Tariq Ur Rehman.
Q Can I move on to the next exhibit which is the visa application of Tariq Ur Rehman, Exhibit 1004, which is in evidence.
Mr. Losada, can you see the exhibit we just marked 1004 on your screen?
A Yes.
Q Do you recognize the picture of the individual which is on the right top corner of the screen?
A Yes.
Q Who is this individual in the picture?
A Tariq Ur Rehman.
Q Can I move on to the Page 2 of this exhibit, please.
Mr. Losada, can you locate the section which is B-19

on this exhibit which is at the bottom of the screen?
A Yes.
Q Can you read out the 3-E-mail addresses for the record?
A Dawertariq@hotmail.com.
Q Now, did dawertariq@hotmail.com receive any e-mails from humaonion@yahoo.com or chipyparveen@yahoo.com?
A No.

MR. NASEER: Thank you, sir, I have no further questions.

THE COURT: All right. Anything else, Mr. Canty?

MR. CANTY: No thank you.

THE COURT: Thank you, Mr. Losada.

THE WITNESS: Thank you, Judge.

(Witness leaves the witness stand.)

THE COURT: All right. Next witness.

MS. AHMAD: Your Honor, at this point the Government would like to introduce a previously videotaped deposition of a officer previously identified as 1603.

THE COURT: Folks, for reasons at that are unimportant, frankly, prior to the trial both the prosecution and the defense have had occasion to depose witnesses, one each, the deposition is very much like what you see here except we're not going to see the witness live, we're going to see the witness on video.

Needless to say, during a deposition there are objections made one of my colleagues sat in on the deposition I was in the present and there's no ruling when those objections are made.

I make the rulings after so it can be a little choppy at times just so you understand we are not trying to cut anything out other than extraneous legal discussion, all right.

Otherwise, it's the testimony like you just heard and you should consider like the testimony of any witness whose credibility and weight the weight of the testimony all of that is for you to determine whenever you're ready.

And this is a witness called by the Government if you identify the witness, please.

MS. AHMAD: Yes, your Honor.

The witness is an employee, as he will testify, of the British Security Service also known as MI5. And he is identified in this deposition by his number 1603.

THE COURT: The very good. All right.

The surroundings will look familiar to you. At least on this deposition. It was done, as far as I, know in this room.

Right, Ms. Mulqueen?

COURTROOM DEPUTY: Yes.

MS. AHMAD: All right. We're going to begin publishing it.

(Video file played in open court.)

(Video file concludes.)

THE COURT: Can we get the audio over the main system?

(Video file played in open court.)

(Video file concludes.)

THE COURT: I don't know that we need this preliminary discussion.

(A brief pause in the proceedings was held.)

(Video file played in open court.)

(Video file concludes.)

THE COURT: You're going to try to do two things at once with this system?

MR. CANTY: We're living dangerously. Your Honor, I published 103 for the jury.

THE COURT: All right.

(Video file played in open court.)

(Video file concludes.)

MR. CANTY: Your Honor, at this time the Government would request to publish Government Exhibit 70 to the jury which is in evidence.

THE COURT: Go ahead.

(The above-referred to exhibit was published to the jury.)

MR. CANTY: Thank you.

(Video file played in open court.)

(Video file concludes.)

THE COURT: We can't fast forward that?

MS. AHMAD: We won't know exactly where to begin, your Honor, this was not actually stricken.

THE COURT: All right. Let's leave well enough alone.

(Video file played in open court.)

(Video file concludes.)

(Continued on the next page.)

(Time noted: 3:17 p.m.)

MS. AHMAD: I apologize. We just have to rewind it to the beginning to the one where I missed his question.

(Video played in open court.)

MS. AHMAD: Your Honor?

THE COURT: Yes?

MS. AHMAD: Did you want to talk our 3:30 break now? I think it would make this go a little move smoothly when we resume in ten minutes.

THE COURT: Wouldn't that be nice? I think we could all do for a little break right about now, so we'll take that break. Don't discuss the case. We'll resume in about 12 minutes.

THE CLERK: All rise.

(Jury exits.)

(Recess.)

(Continued on the following page.)

(In open court; 3:43 p.m.)

(Defendant enters the courtroom at 3:43 p.m.)

THE COURT: We're ready to go.

MS. AHMAD: Yes, your Honor.

MR. NEUMAN: Mr. Naseer wanted to the objections, well, none of the exhibits they tried to get in evidence were allowed in during this. I think the objections indicate that; correct.

THE COURT: Whatever my recollection is that's right.

MR. NEUMAN: Yes, okay.

MS. AHMAD: Mr. Canty won't be joining us for this portion.

THE COURT: I'm sorry.

MS. AHMAD: Mr. Canty won't be joining us.

THE COURT: Okay.

COURTROOM DEPUTY: All rise.

(Jury enters courtroom at 3:45 p.m.)

THE COURT: All right. Please be seated, folks.

You may remember when we first met I told I was going to put you to work. I think I've come across on that promise.

The good news is that we're making very good progress and I will have a report for you before we conclude tomorrow. Just to remind we're going to start at 9:30 and conclude at 2:00 p.m. tomorrow without taking a lunch break but we will take two short breaks. So if you need to eat bring something with you action okay.

And with that, are you ready to resume the playing of the deposition?

(Video filed played in open court.)

(Video files concludes.)

MR. NASEER: Sir, can we raise the volume?

THE COURT: Can you do something about that volume?

(Video filed played in open court.)

(Video files concludes.)

MS. AHMAD: Your Honor, that was the final question asked by the defendant. We will now forward it to the redirect examination by Mr. Canty.

THE COURT: Okay.

(Video file played in open court.)

(Video file concludes.)

MS. AHMAD: Your Honor, at this point, Mr. Naseer begins his brief recross, we're almost done. In the interim, may I publish the exhibit that was just admitted to the jury.

THE COURT: You may.

Just to identify it once again.

MS. AHMAD: It's Government Exhibit 3500-A1603-11. It's a handwritten document. I would like to ask the Court's permission to read it to the jury.

THE COURT: Let me just --

MS. AHMAD: This is the first page.

THE COURT: Go ahead.

MS. AHMAD: I'll give the court reporter a copy.

PIN No. 1603. Subject: Small Panel. Date of event: 23rd March 2009. Date and times notes were made 23/3/2009 at 1917. Exhibit: 1603-1.

At 1731 hours, I observed Small Panel to be SP enter the Manchester coach station on Charlton Street. He entered by a northerly entrance.

Small Panel is aged, approximately, 27 to 32 years old and he is of slim build. He was wearing light brown loafer-style shoes with black and white socks, dark blue jeans, and a smart beige-colored jacket which was just below the waist in length.

Small Panel was carrying a blade of gray -- black and gray rucksack over his right shoulder. This rucksack had "Head" written cross it.

Small Panel went towards the ticket office and then sat down in the area of Stand B. He was holding a white piece of card in his hand.

At 1800, Small Panel boarded a 060 coach for Liverpool. He sat at the front of this coach on the rear side next to the aisle. Throughout the journey, Small Panel held a black Nokia 6500 small slide to his ear.

Approximately 1803, Small Panel dialed a number from his phone to someone called Dr. Zia. The number started 07...

The call didn't appear to appear connect and Small Panel plugged a black hands free set into the top of the phone which he retrieved from his left jacket pocket.

Small Panel then held the phone with his right hand and occasionally spoke into the hand free set.

At 1846, Small Panel then tried to dial the number, Dr. Zia again. But once again it appeared as though the call didn't connect.

At 1844, I observed Small Panel loading a video on his mobile phone which showed footage of the collapse of the World Trade Center on September 11, 2001. Small Panel then the phone into his pocket.

At 1853, Small Panel took the hands free set out of the phone and put it into his left jacket pocket.

And then, at 1855, Small Panel alighted the coach in the area of Long Tree Retail Park, Long Tree Road, Liverpool L7.

Small Panel is of Asian appearance with short black hair and a long beard which is about six inches long. He is approximately 6 feet tall.

Whilst Small Panel was on the coach, he appeared relaxed throughout as he was laughing and joking whilst talking on the mobile phone.

THE COURT: All right. Continue with the recross.

(Video file played in open court.)

(Video file concludes.)

MS. AHMAD: Your Honor, that concludes the deposition.

THE COURT: All right, ladies and gentlemen, thank you.

We'll have the next witness.

MR. CANTY: The United States calls Ian White.

(Witness leaves the witness stand.)

COURTROOM DEPUTY: Good afternoon, sir.

THE WITNESS: Good afternoon.

COURTROOM DEPUTY: I ask you to please take the stand.

Thank you. Raise your right hand.

IAN WHITE, called by the Government, having been first duly sworn/affirmed, was examined and testified as follows:

THE WITNESS: I do.

COURTROOM DEPUTY: Thank you. Please have a seat.

State and spell your name for the record.

THE WITNESS: I'm D.C. 8833, Ian White. W-h-i-t-e.

THE COURT: All right, Mr. Canty.

MR. CANTY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. CANTY:

Q Sir, where do you work?

A I work for the Greater Manchester Police in the Northwest Counterterrorism Unit at the force headquarters in Manchester.

Q Can you pull the microphone closer to you so that you can be heard.

How long have you been a police officer with the Greater Manchester Police Department?

A 20 years.

Q Can you tell the jury what different roles you had as a police officer within the Greater Manchester Police Department?

A Yes. Started as a uniformed officer in Central Manchester patrolling the streets. And I've been tutor constable, which is looking after new recruits, for two to three years. I worked in the drug squad for three or four years and did a sting operation for three years working on an electronics shop which was staffed by undercover officers. And then, for the past six years, I've been a member of the Northwest Counterterrorism Unit and I'm an exhibits officer within that.

Q Now, you started that you're an exhibits officer with the Northwest Terrorism Unit. Can you describe to the jury what your responsibilities are as an exhibit officer?

A Any crime scenes that we come across within the counterterrorism unit, we basically process that scene forensically to a standard that we deem is satisfactory.

Basically, we displace any persons from any address. We will take scene photography and we will do sketch plans and we will seize all our exhibits in tamper proof evidence bags.

Q When you arrive at a scene to process a scene for exhibits, can you tell the jury what you physically do?

A What we do is once the scene has been cleared of any persons, we will start by doing an initial scene assessment making sure that it's safe for any officers to be searching in that.

And we do scene photography to show that we do scene photography at the beginning and at the end to make sure that it's exactly the same scene that you're looking at; we will do sketch plans; and then we'll begin searching. We usually use two uniformed officers who are police search trained within each scene.

Q What type of training did you receive prior to becoming an exhibits officer?

A I did a three-week course in London with the SO15 Branch

there.
Q Now, I would like to direct your attention to April 8, 2009.
Did there come a time where you were called upon to conduct a search at a commercial residence in the Greater Manchester area?
A Yes, that's correct.
Q Location were you called to?
A This is the Cybernet Café. I think it's 493 Cheatham Hill Road, Manchester.
Q When you arrived at that location at 493 Cheetham Hill Road in Manchester, can you please tell the jury what the first thing you did when you arrived?
A There was still a number of uniformed officers within the café as I arrived. One person had been arrested and there were others that were probably using the café so I waited until they'd all been displaced from the building before commencing my role.
Q And once the Cybernet Café was empty, did you begin conducting a forensic search of the location?
A Yes, that's correct.
Q Please tell the jury what was the first thing you did after everybody had been removed from the Cybernet Café?
A I did a seen assessment to make sure it's safe for officers to work in and safe for me for as well.

Q Can you briefly describe to the jury what you observed when you went in?
A The Cybernet Café was a basement café. One door off the main street, there was no other doors to the building.
I did a walk around. I looked at the place. There was 12 computers in there. There was a counter for the staff to work in. Toilet. Part of the basement café had been franchised out to a hair dresser which had a locked door on it. And there was also a small storage area as well.
Q Now, after you had done that initial review of the location, did you what did you do next?
A We had a CSI with us and did some scene photography and I did some sketch plans of the search area.
Q Okay.
MR. CANTY: I have what's been marked as Government Exhibit 209 marked for identification.
May I present it to the witness, your Honor?
THE COURT: Go ahead.
Q Do you recognize what's been marked as Government Exhibit 209?
A Yes, that's my sketch plan at the Cybernet Café.
Q Is this the sketch plan that you took on April 8, 2009, when you went to at that location to conduct a forensic search?
A Yes, that's correct.

Q Does this fairly and accurately represent the layout of the Cybernet Café located at 493 Cheetham Hill Road in Greater Manchester?
A Yes, that's correct.
MR. CANTY: Your Honor, I asked what's been marked as Government Exhibit 209 for identification be entered into evidence.
THE COURT: Any objection?
MR. NASEER: Yes.
MR. CANTY: Prior to publishing it to the jury, I was going to show the number of additional exhibits.
THE COURT: Can I deal with one thing at a time?
MR. CANTY: I'm sorry, your Honor.
THE COURT: There was an objection voiced. And the grounds of that, sir?
MR. NASEER: Sorry, sir, I didn't hear.
THE COURT: The objection to 209?
MR. NASEER: To the sketch, sir.
THE COURT: I know. On what ground?
MR. NASEER: Relevance.
THE COURT: Objection is overruled. 209 in evidence.
(Government's Exhibit 209 was received in evidence as of this date.)
(Continued on the next page.)

THE COURT: Okay. Objection is overruled. 209 in evidence.

MR. CANTY: May I have Government 210 for identification, presented to the witness? (Handing.)

BY MR. CANTY:

Q Officer White, do you recognize what's being marked as Government Exhibit 210? (Exhibit published to the witness.)

A Yes, I do.

Q What do you recognize Government Exhibit 210 to be?

A That's the counter area that's within the CyberNet Cafe.

THE COURT: So it's another sketch, correct?

THE WITNESS: Correct.

THE COURT: Of the counter area?

BY MR. CANTY:

Q Does this sketch fairly and accurately depict the counter area at 493 Cheetham Hill Road, the CyberNet Cafe of Greater Manchester? (Exhibit published to the witness.)

A Yes, it does.

MR. CANTY: Your Honor, I would like to present to the witness Government Exhibit 211 for identification.

THE COURT: Go ahead.

BY MR. CANTY:

Q Do you recognize Government Exhibit 211? (Exhibit published to the witness.)

A I do.
Q What do you recognize Government Exhibit 211 to be?
A Those are the sketches of some of the tables that were behind the counter.
Q Does this sketch fairly and accurately depict how the scene appeared to you when you observed it on April 8th, 2009?
A Yes.
Q And now I'd like to show you Government Exhibit 212. Do you recognize what's been marked as Government Exhibit 212?
(Exhibit published to the witness.)
A Yes, I do.
Q What you do you recognize Government Exhibit 212 to be?
A That's the shelving area behind the counter.
Q This is the sketch of the shelving area behind the counter located at 293 Cheetham Hill Road?
A That's correct.
THE COURT: 293, did you say?
MR. CANTY: Excuse me, 493 Cheetham Hill Road.
A That's correct.
MR. CANTY: I'd like to show the witness what's been marked as Government Exhibit 413.
THE COURT: 213?
MR. CANTY: I'm sorry, your Honor. My apologies, 213.
THE COURT: I guess we're all a little punch drunk

this time of day, huh?

213 for identification. Go ahead.

MR. CANTY: Thank you, your Honor.

THE COURT: What's that?

BY MR. CANTY:

Q Do you recognize what's been marked as Government Exhibit 213? (Exhibit published to the witness.)

A I do, yes.

Q What do you recognize Government Exhibit 213 to be? (Exhibit published to the witness.)

A That is a counter within the cafe.

Q Is that a sketch of another counter?

A Yes, sir. That's correct.

Q At 493 Cheetham Hill Road?

A Yes.

Q I would like you to take a look at Government Exhibit 214. (Exhibit published to the witness.)

Do you recognize what's been marked as Government Exhibit 214?

A I do.

Q What do you recognize Government Exhibit 214 to be?

A That was a fridge gurney on the counter.

Q Is that the sketch you drew of the refrigerator located at 493 Cheetham Hill Road?

A That's correct.

Q I would like you to take a look at what's been marked as Government Exhibit 215. (Exhibit published to the witness.)
Do you recognize what's been marked as Government Exhibit 215?
A I do, yes.
Q What do you recognize Government Exhibit 215 to be?
A That's the bathroom area just off the service area.
Q Again, that's a sketch of the bathroom area that you drew on April 8th, 2009?
A Yes, that's correct.
Q At the location 493 Cheetham Hill Road?
A (No response.)
Q Yes?
A That's correct. Sorry. Yes.
Q I would like to show you what's been marked as Government Exhibit 216. (Exhibit published to the witness.)
Do you recognize what's been marked as Government Exhibit 216 for identification?
A I do, yes.
Q What do you recognize Government Exhibit 216 to be?
A That's the Francois Hairdressing Salon that was within the cafe.
Q Can you briefly describe to the jury what you're talking about there?
A Basically, a part of the floor was taken up with the hair

dressers, which was built in with walls within the cafe area, and they had a little door on it.
Q Did it -- did you need a -- could you enter it through the CyberNet Cafe?
A When it was opened, yes, you could. When we entered, it was closed at that time.
Q And when -- was it locked in any way?
A Yes, it has a lock on the door, yes.
Q I would like to show you what's been marked as Government Exhibit 217 for identification. (Exhibit published to the witness.)
Do you recognize what's been marked as Government Exhibit 217 for identification?
A I do, yes.
Q What do you recognize Government Exhibit 217 to be?
A That's a general view of the whole of the area.
THE COURT: The whole of what area?
THE WITNESS: The CyberNet Cafe. Sorry.
BY MR. CANTY:
Q And does this indicate the main area of the room as it related to the hair salon and the counter area?
A Yes, the total areas.
Q And the stairs?
A Yes, that's correct.
Q And does this picture fairly and accurately depict the

floor plan for 493 Cheetham Hill Road in Greater Manchester?
A That's correct. It's not to scale, but yes.
MR. CANTY: Your Honor, at this time, the Government would ask that Government Exhibit 210 for identification, Government Exhibit 211 for identification, Government Exhibit 212 for identification, 213, 214, 215, 216 and 217 be moved into evidence.
THE COURT: Same objection?
MR. NASEER: Yes, sir.
THE COURT: The objection is overruled and the exhibits as enumerated are now in evidence.
MR. CANTY: Your Honor, may I publish these exhibits to the jury?
THE COURT: Go ahead.
(Exhibits published.)
BY MR. CANTY:
Q Officer White, what are we looking at right here at the top of that exhibit?
THE COURT: Which exhibit?
MR. CANTY: This is Government Exhibit 209.
THE COURT: Thank you.
A That is a stairway that leads up to the Cheetham Hill Road, the doorway of Cheetham Hill Road.
BY MR. CANTY:
Q And the main box in the middle of Government Exhibit 209,

what is that?
A That the main internet cafe area.
Q And what's located within that area along the walls?
A Those numbers depict the computer terminals that were for the public to use.
Q And what's at the far end of that room?
A That's a counter area and just behind there is the -- where the tables were and the fridge.

THE COURT: You know, I'm sure most people know this, but perhaps some don't. What is an internet cafe?

THE WITNESS: Members of the public can go in and use the internet for a small fee for a certain length of time, and you can just come in and go as you please.

THE COURT: Thank you.

MR. CANTY: Thank you, your Honor.

BY MR. CANTY:
Q And this door to room three, what is that?
A That's a door to the toilet, probably.
Q Now, I'd like you to look at Government Exhibit 210.
(Exhibit published.)

What are we looking at here (indicating), on the left side of Government Exhibit 210?
A That's the counter and behind it are the tables. They were doing a number of repairs of the old laptop computers, and made some repairs there. So those tables marked B, C, D

and E was the tables that were used in these repairs. And --
Q Sorry.
A -- there is a computer for monitoring their usage on the terminals.
Q Now, with respect to this area, is this an area that would not generally be open to customers? Is this more of an area for employees?
A Yeah, that was the owner's area, yeah.
Q And the table, you have table A and table B on the right side of the photo. What are those sketches of?
A Those are the tables that were behind the counter where he had these computers in various states of repair and disrepair.
Q So these are just more detailed images of what was located on those tables?
A That's correct.
Q And with respect to table B, what did you notice on table B?
A A number of towers and laptops.
THE COURT: I'm sorry. I didn't hear that.
THE WITNESS: A number of computer towers and laptops.
BY MR. CANTY:
Q Looking at Government Exhibit 217, what do we see in this image? (Exhibit published.)

A That's the general layout of the whole of the area, the cafe in the middle, the hair salon next to the stairs as you come in on Cheetham Hill Road, the toilet, bottom left, and the counter area again, which you can see, where he was doing these repairs, as well.
Q Now, with respect to room one, how small is that room?
A It was small. Yeah. It wasn't a big area at all.
Q And with respect to room four where the hair salon was, how much smaller was that room than room one in the cafe?
A Yeah. That was considered -- I think it had room for two chairs and that was it, if I remember right.
Q And in that room, did you also draw more detailed sketches with respect to items located on table C, table D and table E? This is Government Exhibit 211. (Exhibit published.)
A Yes. That's correct.
Q And what did you notice was located on those tables?
A Again, laptops and computer parts.
Q Let's start with each individual table. On table C, what was located on table C?
A Three laptops and four monitors.
Q And what about table D?
A A fax machine and a printer.
Q And table E?
A DVD player -- two DVD players and a monitor.
THE COURT: One thing I don't notice is chairs.

Were there chairs around these various positions?
THE WITNESS: There was chairs in front of the computers that were used by the public.
THE COURT: But not at these tables here?
THE WITNESS: I don't recall. It's been too long.
MR. CANTY: I'm sorry, your Honor.
BY MR. CANTY:
Q Now, with respect to the computer work stations, I'm going back to Government Exhibit 209. How many public work stations were there in that main room of the CyberNet Cafe?
A There was ten for the public.
Q Now, after you did your sketches of the location, did there come a time where you took still photography of the location?
A I didn't take the photography. We had the CSI who took those photos for us.
MR. CANTY: Okay. I have what's been marked as Government Exhibit 203 for identification. May I show this to the witness?
THE COURT: How many photos do you have?
MR. CANTY: (Counting.) I have 15 photos.
THE COURT: Have you seen these photos before testifying here this afternoon?
THE WITNESS: I have, your Honor, yes.
THE COURT: Do they fairly and accurately depict the

interior of the cafe?

THE WITNESS: Indeed they do, yes.

THE COURT: You're offering them?

MR. CANTY: Yes, your Honor.

THE COURT: Any objection?

MR. NASEER: Objections. Yes, sir.

THE COURT: Overruled. It's received.

Could we have the numbers for Ms. Mulqueen?

MR. CANTY: Yes. This is Government Exhibit 203, 204, 205, 206, 207, 208, 218, 219, 220, 221, 222, 223 and 224, 225 and 226.

THE CLERK: Thank you.

MR. CANTY: May I publish them to the jury, your Honor?

THE COURT: I don't know that we have to do them all, but let's go.

(Publishes exhibits to the jury.)

BY MR. CANTY:

Q Officer, do you recognize what's depicted in Government Exhibit 203?

A I do.

Q What are we looking at here?

A Those are the -- some of the work stations within the cafe area and you can see the counter at the end there, on the right hand side.

MR. CANTY: May I have a moment, your Honor?

THE COURT: Yes, sir.

MR. CANTY: (Confers with co-counsel.)

Your Honor?

THE COURT: Yes, sir?

MR. CANTY: I respectfully request that we use the computer, so we can get rid of the glare.

THE COURT: I was just asking Ellie to darken the room. We used to get it much darker, but yeah. Let's use the computer and see what we can do about the glare meanwhile.

THE CLERK: Okay. I switched over.

MR. CANTY: Government Exhibit 203, please? That's also with the --

THE COURT: It's 204. Why don't you start there?

MR. CANTY: Your Honor, unfortunately, we're having trouble with the computer. We can't log on the computer. So our best bet is to go back with the projector.

(Exhibit published.)

BY MR. CANTY:

Q Office White, what are we looking at in Government Exhibit 203?

A Those are some of the work stations within the internet cafe for the public to use. The towers, you can just see. I think under number three, you can see the one on the floor there, the computer tower. To the right under the photograph

is the counter for the staff.
Q Now, are with respect to the numbers that we see in Government Exhibit 203, do they correlate to the numbers that you listed in your sketch?
A Yes, I use the same numbers, yes.
Q And for each internet console, computer table, is there a corresponding tower that is associated with a screen and a keyboard?
A Yes, sir. That's correct.
Q And do you see any chairs in the photo?
A Yes.
Q So there's a chair for each spot?
A Yeah. The chairs are covering the computer towers. You can't see them on all the stations, but they are there.
MR. CANTY: Your Honor, may I move to Government Exhibit 204? And I believe we have the computer fixed.
THE CLERK: You have the computer fixed?
MR. CANTY: I'm told we have the computer fixed.
THE COURT: Okay. We'll try the computer.
(Exhibit published.)
MR. CANTY: So this is 203, start with 203.
BY MR. CANTY:
Q Now, Officer White, I would look to you take a look at Government Exhibit 204. Do you see the towers and the

corresponding computer terminals?
A Yes, I do. You can't see the one, the number eight, because a chair's covering it.
MR. CANTY: May I have Government Exhibit 205?
(Exhibit published.)
BY MR. CANTY:
Q And what are we looking at in Government Exhibit 205?
A That's the counter which the owner used and you can see the display cover. They were selling mobile phones as well -- and the fridge for a few refreshments, and the work stations are back there -- sorry.
And that's the counter for the staff. You can see through the glass of the front of the counter, they are selling some mobile phones and some refreshments, which to the right are refreshments, and where those orange -- and circles are blocked out, and those were his work stations where he was repairing the computers.
Q This is the area of the -- of the internet cafe that's not generally open to the public?
A That's correct.
Q And in this picture, can you tell whether or not -- whether or not they sold any other miscellaneous items when you look at the top, if we can zoom in at the top of that picture. (Zooming in.)
A Yeah, they sold numerous items, cases, covers and SIM

cards.
Q What's a SIM card?
A It's what goes in your phone and activates your own personal data within the phone.
Q In this picture, does it indicate that the internet cafe sells SIM cards to customers?
A Yes, 99 pence.
MR. CANTY: May I have Government Exhibit 205? Sorry. Government Exhibit 206, please.
(Exhibit published.)
BY MR. CANTY:
Q What are looking at just behind the counter?
A Yes. That's Lacky's repair station, printer, and a fax machine going there, as well. I think he had his own laptop. I can't find where that was. He had a laptop for pricing out where the people were using the internet cafe.
Q When you say "he," you're assuming he's the owner of the shop?
A Yes. I apologize. I don't know him.
Q Do you knows with specificity who was actually using and operating any of these computers?
A No, we never met the owner.
MR. CANTY: Government Exhibit 207, please?
(Exhibit published.)
BY MR. CANTY:

Q I would like to direct your attention to the left-hand side of Government Exhibit 207. Does it appear that there are headphones available for customers to use when operating on the computers?
A Yes.
Q Okay.
MR. CANTY: Let's skip 208.
BY MR. CANTY:
Q Now, with respect to the areas between the computers, do you see anything that separated the computer stations for privacy?
A Yeah, the small wooden partitions.
Q Okay. And that's indicated in 218, in between those five computers that are listed there?
A Yes. You can say that's between four, five and six.
Q And there's one between one and two and two and three as well, correct?
A Yes, that's correct.
MR. CANTY: May I have Government Exhibit 219?
(Exhibit published.)
BY MR. CANTY:
Q Do you recognize that?
A Yes. That's the hair dressing salon at the shop.
Q Do you need a separate key to get in that room?
A That's correct. It was locked, yes.

Q Now, with respect these photos where we see these computers, where were these photos taken?
A Those photos were taken after the search has been complete.
Q Okay. In 219?
A That's correct.
Q When you're doing this search -- I would like to talk about that with respect to Government Exhibit 219 and 218. Did you take the monitors or the keyboards?
A No, we left those in -- in the shop.
Q Okay. So with respect to 218, these photos are taken after the computer towers are removed from the computers?
A Yes, 219 on the screen -- 218 is similar. Yes. That's correct.

(Continued on the next page.)

EXAMINATION
BY MR. CANTY:
Q I'm sorry.
A 218 is similar, yes, that's correct.
Q And that's moving to Government Exhibit 220.
Before we look at 219, the tower was removed from the photo as well?
A That's correct.
Q Now, when you removed these towers from the location, how do you identify the towers at that you are removing for evidence purposes?
A Each exhibit is given an individual reference number by myself.
Q And how do you identify -- is there a specific three-letter code you give to the evidence that you secure at that location?
A Yeah, my initials. ICW.
Q I would like you to take a look at Government Exhibit 226.
What are we looking at here?
A That's the other side of the shop. You can see the stairs there just to the right inside of the photograph. And those will be the work stations on the opposite side the room.
Q So with respect to Internet café, do you have to travel down a set of stairs to get into the Internet café?

A Yes, you do, yes.
Q Are there any windows looking out to the outside from when you're sitting in the Internet café?
A No. It's a basement café, there's no windows.
Q The only way you could see what's going on in the Internet café is if you're not Internet café?
MR. NASEER: Objection to the leading.
THE COURT: No, I'll permit it. Go ahead.
A That's correct.
Q Okay.
Now, with respect to those ten computers, do you recall what you -- let me ask you this.
Did there come a time where you secured the ten computers from the Internet café for evidence purposes?
A Yes. The process we use is it's an officer from our high-tech department, computer department, come back down, make sure they're switched off in the correct manner so as not to lose any memory or information from them.
Q And the first on the 8th of April, were those computer towers taken that night?
A Not that night. The following day they were taken.
Q So what is done to secure those computer towers from the night of the 8th so that they can be secured on the 9th?
A The scene is kept sterile. Basically, we lock the door and a uniformed police officer is on the door 24 hours until

we returned the following morning. I think I was there about 7:00 o'clock the follow morning.

Q Now, did there come a time when you secured as ICW-1, ICW-2, ICW-5, ICW-6, ICW-8, and ICW-10 which is computer material in evidence bags?

A Yes. That would have been the following day if my memory serves me. Those were the first exhibits that we took out.

Q And that would be on April 9, 2009?

A That's correct.

Q And can you describe to the jury what you did with those items?

A The items are bagged in tamper proof bags. They're kept in there until we leave at the end of night when the Internet café was secured again. And I took them straight back to D.C. Radcliff at our headquarters and they were put in secure storage.

Q You mentioned D.C. Radcliff. What was his responsibility within the Greater Manchester Police Department?

A He was overall control of exhibits for this operation.

Q Did you turn those exhibits over to him?

A Yes, I signed them over to him.

Q What did he do with them at that point?

A I put them in secure storage before sending them down to our computer department.

Q Now, did you come to learn that whether or not those computers were kept by the Greater Manchester Police Department forever?

A No, they were imaged and then they were taken back to the Internet café.

Q So when you said they imaged, did there come a time that you are aware of where the Greater Manchester Police Department copied the hard drives off of those materials and then returned those materials to the owner?

A Yeah. It's all a bit technical for me but I believe it's what they do, they image the hard drive.

MR. CANTY: May I have a moment, your Honor.

THE COURT: Yes.

(A brief pause in the proceedings was held.)

EXAMINATION

BY MR. CANTY:

Q Now, Officer White, with respect to the items you seized during your search, do you have an independent recollection as to each and every item that you seized from the Internet café during your search?

A No. I think it was in the hundreds so I can't remember everything.

Q Okay.

Is there something that you do to memorialize the material that you seized from the location?

A Every exhibit is entered into an exhibits book and I will start with ICW-1 and that will carry on infinitely until I finish the scene.

Q Now, by looking at that list of the items that you seized, would that refresh your recollection as to specific items that you seized from the Internet café during your search during April of 2009?

A Yes.

Q Okay. I'd like to show you what's been marked as Government Exhibit 3500-ICW-2 just for the witness on the overhead, please.

COURTROOM DEPUTY: On the overhead.

Q Do you recall whether or not you seized correspondence addressed to Tariq Ur Rehman, labeled 32 Shirley Road?

A I have nothing on my screen here.

Q Let me take a look at that and see if it refreshes your recollection as to whether or not you seized that?

COURTROOM DEPUTY: Do you have it on your screen now?

THE WITNESS: Yes.

COURTROOM DEPUTY: Okay.

THE WITNESS: Yes, that will be one of my exhibits.

Q What did you mark that exhibit as?

MR. NASEER: Objection.

THE WITNESS: It's a bit blurred.

THE COURT: Hold on. What's the objection?

THE WITNESS: It's not in evidence, sir.

MR. NASEER: It's not in evidence.

THE COURT: I understand. If you're looking at that, does it refresh your recollection?

THE WITNESS: It will be mine it's ICW-85 but I don't remember that particular piece.

THE COURT: Okay.

Q Now, with respect to this document, did you create this document at or about the time the items that you seized from the Cybernet Café?

A Yes.

Q Do you regularly keep and maintain a record of all items an evidence list of all items that are sized do you agree your search?

A Yeah, they're written in a book. And then, as soon as I give the book to D.C. Radcliff at the end of the day, he enters them into our computer system.

Q Does what's been marked as Government Exhibit 3500 ICW-2 fairly and accurately represent all of the items that you seized from the Cybernet Café on April 9th and the days following, 2009?

Take a look at that.

A Yes, they're all in number order because I would seize them they in ICW-1, 2, 3, et cetera. But, yes, those are my exhibits.

MR. CANTY: Your Honor, I asked what's been marked as Government Exhibit 3500-ICW-2 be moved into evidence.

THE COURT: As a past recollection recorded, to can come into evidence. The document itself will not be received.

MR. CANTY: I'm sorry, your Honor.

(Government's Exhibit 3500-ICW-2 was received in evidence as of this date.)

THE COURT: We'll talk about it we're about to break. We'll talk about it.

MR. CANTY: Okay. Your Honor, my next line of questioning involves the items that were seized, so.

THE COURT: It's ten of 5:00, we'll call it a day.

Ladies and gentlemen, we'll resume at 9:30 tomorrow morning.

Do not discuss the case, folks action we're well into it making very good progress. Get some rest. We're working from 9:30 to 2:00 tomorrow. Safe home.

COURTROOM DEPUTY: All rise.

(Jury exits courtroom at 4:53 p.m.)

THE COURT: Okay. Excuse me. You can step down, sir, if you like.

THE WITNESS: Thank you.

(Witness leaves the witness stand.)

THE COURT: I'm just looking at §803 exceptions. §803(6) record of an act event in addition....

So it seems to me to be perfectly within the confines of §803(6) as a record of regularly conducted activity and is otherwise admissible, the qualifications that I alluded to no longer applies under this rule. But if you disagree, I'll be happy to hear you in the morning. But for now my intention is to receive it under §803(6).

Okay. What's on for tomorrow.

MS. AHMAD: Your Honor, tomorrow we'll finish up with this witness. We have one additional witness who seized, I'm sorry, two additional witnesses who also seized computers during searches of physical locations and then we'll begin of testimony of our forensic compare who will testify as to what he recovered during those searches.

THE COURT: Well, see, I'm a little confused here because this chap referred to seizing these towers.

MS. AHMAD: Yes.

THE COURT: He didn't extract the information, did he?

MS. AHMAD: He did not. The person who did is our forensic examiner.

THE COURT: But he was just asked about a letter to Mr. Rehman.

MS. AHMAD: That is not seized from the computers. What he was being asked were other physical items seized during the search of the Internet café.

THE COURT: I beg your pardon. Okay. So are you finished, will you fill the time tomorrow?

MS. AHMAD: Yes, your Honor, from today forward this officer came street from the airport. Our schedule won't have any further holes.

THE COURT: Hopefully, he'll get a good night's rest and not see the sights excessively.

And then what?

MS. AHMAD: And then, your Honor, next week we have a series of surveillance officers who will testify. There are, I believe, additional officers from MI5 who will testify and two officers from the Greater Manchester Police who will testify.

In addition, we have a Norwegian police officer who will testify about items and evidence recovered during their investigation of the Norwegian cell of this plot.

We'll have our bomb expert, Kirk Yaeger, testify. And subject to the Court's ruling after oral argument tomorrow, we will also seek to admit the testimony of the FBI agent who recovered documents and media containing documents associated with Osama Bin-Laden.

In addition to that we'll have a series of linguists testifying because we don't have any stipulations as to translations here regarding e-mails that were translated as well as letters as well as Nasheeds recovered from some of the media seized in this case.

THE COURT: So it sounds to me like midweek of next week you will be in a position to rest.

MS. AHMAD: I think by Wednesday or Thursday, yes.

THE COURT: All right, gentlemen, just so you're aware.

MR. NASEER: Two matters, sir.

Can the Government provide me with the details they sent to me regarding the three CDs, the video.

THE COURT: Yes.

MS. AHMAD: We had a note of one that was provided in discovery.

THE COURT: We don't need to do this now. Provide him.

If you're not satisfied.

MR. NASEER: One more thing. Two hours ago they want to call D.C. Selby who analyzed the Defendant's Nokia 6500 mobile phone.

MS. AHMAD: D.C. Selby will be here ready testify on Monday, I believe.

THE COURT: On Monday. Okay.

MR. NASEER: Thank you, sir.

THE COURT: I'll be available early tomorrow but we resume with the jury at 9:30 sharp.

Have a good night, everyone.

(Defendant exits from courtroom at 4:58 p.m.)

(WHEREUPON, this matter was adjourned to February 20, 2015 at 9:30 a.m.)

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